<RepeatBlock-Amend><Amend><Date>{04/04/2017}4.4.2017</Date> <ANo>B8‑0235</ANo>/<NumAm>7</NumAm>

Amendment <NumAm>7</NumAm>

<RepeatBlock-By><Members>Sophia in ‘t Veld, Nathalie Griesbeck, Angelika Mlinar</Members>

<AuNomDe>{ALDE}on behalf of the ALDE Group</AuNomDe>

</RepeatBlock-By>

<TitreType>Motion for a resolution</TitreType> B8‑0235/2017

<Rapporteur>Claude Moraes</Rapporteur>

{LIBE}on behalf of the Committee on Civil Liberties, Justice and Home Affairs

<Titre>Adequacy of the protection afforded by the EU-US Privacy Shield</Titre>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 17 a (new)</Article>

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| Motion for a resolution | Amendment |
|   | ***17a. Notes with great concern that the Privacy and Civil Liberties Oversight Board (PCLOB) referred to in Annex VI (letter from Robert S. Litt, ODNI) as an independent body established by statute, charged with analysing and reviewing counter-terrorism programmes and policies, including the use of signals intelligence, to ensure that they adequately protect privacy and civil liberties, lost its quorum on 7 January 2017 and will be in a sub-quorum status until new Board Members are nominated by the US President and confirmed by the US Senate; highlights that in a sub-quorum status the PCLOB is more limited in its authorities and cannot undertake certain actions that require approval of the Board such as initiating oversight projects or making oversight recommendations, thus seriously undermining the compliance and oversight guarantees and assurances made by US authorities in this field;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend><Date>{04/04/2017}4.4.2017</Date> <ANo>B8‑0235</ANo>/<NumAm>8</NumAm>

Amendment <NumAm>8</NumAm>

<RepeatBlock-By><Members>Sophia in ‘t Veld, Nathalie Griesbeck, Angelika Mlinar</Members>

<AuNomDe>{ALDE}on behalf of the ALDE Group</AuNomDe>

</RepeatBlock-By>

<TitreType>Motion for a resolution</TitreType> B8‑0235/2017

<Rapporteur>Claude Moraes</Rapporteur>

{LIBE}on behalf of the Committee on Civil Liberties, Justice and Home Affairs

<Titre>Adequacy of the protection afforded by the EU-US Privacy Shield</Titre>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 21 a (new)</Article>

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| Motion for a resolution | Amendment |
|   | ***21a. Recalls that while individuals, including EU data subjects, have a number of avenues of redress when they have been the subject of unlawful (electronic) surveillance for national security purposes in the US, it is equally clear that at least some legal bases that US intelligence authorities may use (e.g. Executive Order 12333) are not covered; highlights moreover that, even where judicial redress possibilities in principle do exist for non-US persons, such as for surveillance under FISA, the available causes of action are limited and claims brought by individuals (including US persons) will be declared inadmissible where they cannot show ‘standing’, which restricts access to ordinary courts;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend><Date>{04/04/2017}4.4.2017</Date> <ANo>B8‑0235</ANo>/<NumAm>9</NumAm>

Amendment <NumAm>9</NumAm>

<RepeatBlock-By><Members>Sophia in ‘t Veld, Nathalie Griesbeck, Angelika Mlinar</Members>

<AuNomDe>{ALDE}on behalf of the ALDE Group</AuNomDe>

</RepeatBlock-By>

<TitreType>Motion for a resolution</TitreType> B8‑0235/2017

<Rapporteur>Claude Moraes</Rapporteur>

{LIBE}on behalf of the Committee on Civil Liberties, Justice and Home Affairs

<Titre>Adequacy of the protection afforded by the EU-US Privacy Shield</Titre>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 21 b (new)</Article>

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| Motion for a resolution | Amendment |
|   | ***21b. Calls on the Commission to assess the impact of the Executive Order on ‘Enhancing Public Safety in the Interior of the United States’ of 25 January 2017, and in particular its Section 14 on the exclusion of foreign citizens from the protections of the Privacy Act regarding personally identifiable information, contradicting the written assurances that judicial redress mechanisms exist for individuals in cases where data was accessed by the US authorities; asks the Commission to communicate a detailed legal analysis of the consequence of the Executive Order measures on avenues for remedies and the right to judicial redress for Europeans in the US;*** |

Or. <Original>{EN}en</Original>

</Amend>

<Amend><Date>{04/04/2017}4.4.2017</Date> <ANo>B8‑0235</ANo>/<NumAm>10</NumAm>

Amendment <NumAm>10</NumAm>

<RepeatBlock-By><Members>Sophia in ‘t Veld, Nathalie Griesbeck, Angelika Mlinar</Members>

<AuNomDe>{ALDE}on behalf of the ALDE Group</AuNomDe>

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<TitreType>Motion for a resolution</TitreType> B8‑0235/2017

<Rapporteur>Claude Moraes</Rapporteur>

{LIBE}on behalf of the Committee on Civil Liberties, Justice and Home Affairs

<Titre>Adequacy of the protection afforded by the EU-US Privacy Shield</Titre>

<DocAmend>Motion for a resolution</DocAmend>

<Article>Paragraph 23</Article>

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| Motion for a resolution | Amendment |
| 23. Recalls its resolution of 26 May 2016 stating that the Ombudsperson mechanism set up by the US Department of State is not sufficiently independent and is not vested with sufficient effective powers to carry out its duties and provide effective redress to EU individuals; ***notes that according to the representations and assurances provided by the US Government the Office of the Ombudsperson is independent from the US intelligence services, free from any improper influence that could affect its function and moreover works together with other independent oversight bodies with effective powers of supervision over the US Intelligence Community***; is generally concerned that an individual affected by a breach of the rules can apply only for information and for the data to be deleted and/or for a stop to further processing, but has no right to compensation; | 23. Recalls its resolution of 26 May 2016 stating that the Ombudsperson mechanism set up by the US Department of State is not sufficiently independent and is not vested with sufficient effective powers to carry out its duties and provide effective redress to EU individuals; ***points out that to date the incoming US administration has not appointed a new Ombudsperson following the end of term of the Under Secretary for Economic Growth, Energy, and the Environment appointed to this role in July 2016; considers that in the absence of an appointed independent and sufficiently empowered Ombudsperson, the US assurances with regard to the provision of effective redress to EU individuals would be null and void***; is generally concerned that an individual affected by a breach of the rules can apply only for information and for the data to be deleted and/or for a stop to further processing, but has no right to compensation; |

Or. <Original>{EN}en</Original>

</Amend>

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