



2016/0171(COD)

28.2.2017

POSITION IN THE FORM OF AMENDMENTS

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Transport and Tourism

on the proposal for a directive of the European Parliament and of the Council amending Council Directive 98/41/EC on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community and amending Directive 2010/65/EU of the European Parliament and of the Council on reporting formalities for ships arriving in and/or departing from ports of the Member States
(COM(2016)0370 – C8-0209/2016 – 2016/0171(COD))

Rapporteur: Helga Stevens

AMENDMENTS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Transport and Tourism, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) To **reduce the anxiety of relatives** in case of an accident and unnecessary delays in the consular assistance and other services, the communicated data should include information on nationality of persons on board. The list of required data entries for voyages beyond 20 nautical miles should be simplified, clarified and aligned as far as possible with reporting requirements into the National Single Window.

Amendment

(6) To **provide relatives with timely and reliable information** in the case of an accident and **to reduce** unnecessary delays in the consular assistance and other services, the communicated data should include information on nationality of persons on board. The list of required data entries for voyages beyond 20 nautical miles should be simplified, clarified and aligned as far as possible with reporting requirements into the National Single Window.

Amendment 2

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) **In as much as measures** entail the processing of personal data, **those shall be carried out in accordance with** Union law on the protection of personal data²⁰. In particular, personal data collected for the purposes of Directive 98/41/EC should not be processed and used for any other purpose and should not be retained longer than necessary for the purposes of Directive 98/41/EC as specified therein.

Amendment

(10) **The measures provided for in Directive 98/41/EC and Directive 2010/65/EC** entail the processing of personal data. **This processing is governed by** Union law on the protection of personal data, **in particular Regulation (EU) 2016/679 of the European Parliament and of the Council^{20a}, and Regulation (EC) No 45/2001 of the European Parliament and of the Council^{20b}, which applies to the processing of personal data recorded in the Single Window and SafeSeaNet.** In particular, personal data collected for the purposes of Directive 98/41/EC **to facilitate search and rescue operations**

and the efficient handling of the aftermath of an accident should not be *further* processed and used for any other purpose and should not be retained longer than necessary for the *specific* purposes of Directive 98/41/EC as specified therein. *Personal data should therefore be immediately destroyed after the ship's voyage has been safely completed or when an investigation or judicial proceedings in the aftermath of an accident or emergency have been concluded.*

²⁰ *In particular Regulation (EU) No XXX/2016 of XXX (number and date to be added after formal adoption) of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (reference to OJ to be added after formal adoption) and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).*

^{20a} *Regulation (EU) 2016/679 of the European Parliament and of the Council 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) (OJ L 119, 4.5.2016, p. 1).*

^{20b} *Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).*

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 98/41/EC

Article 5 – paragraph 1 – indent 5

Text proposed by the Commission

- *their year* of birth,

Amendment

- *date* of birth,

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 98/41/EC

Article 5 – paragraph 1 – indent 5a (new)

Text proposed by the Commission

- *the 'habitual place of residence',*

Amendment

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 98/41/EC

Article 5 – paragraph 3

Text proposed by the Commission

3. Personal data collected for the purposes of this Directive *should* not be processed and used for any other purpose.;

Amendment

3. Personal data collected for the purposes of this Directive *shall* not be processed and used for any other purpose.

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 98/41/EC

Article 5 – paragraph 3 a (new)

Text proposed by the Commission

3 a. Member States shall ensure that, at the time when the information is

Amendment

collected pursuant to this Article, every person on board a passenger ship is provided, by the company assuming responsibility for operating that passenger ship, and in a concise, transparent, intelligible and easily accessible form, using clear and plain language, with the information set out in Regulation (EU) 2016/679.

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 98/41/EC

Article 8 – paragraph 2

Text proposed by the Commission

Personal data collected in accordance with Article 5 shall not be kept by the company longer than necessary for the purposes of this Directive namely until the moment the data is recorded in the single window established pursuant to Article 5 of Directive 2010/65/EU. Without prejudice to other reporting obligations, once the information is no longer needed for this purpose, it shall be destroyed.

Amendment

Personal data collected in accordance with Article 5 shall not be kept by the company longer than necessary for the purposes of this Directive namely until the moment the data is recorded in the single window established pursuant to Article 5 of Directive 2010/65/EU. Without prejudice to other *specific* reporting obligations *under Union or national law, including for statistical purposes*, once the information is no longer needed for this purpose, it shall be *immediately* destroyed.

Justification

The wording added in the proposal “without prejudice to other reporting obligations” does not provide legal certainty as it does not precise what other reporting obligations are, under which legal basis, for what purposes. Suggestion of modification made by the EDPS in his opinion to ensure legal certainty.

Amendment 8

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 98/41/EC

Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

Taking into account the state of the art and the cost of implementation, each company shall implement appropriate technical and organisational measures to protect personal data processed pursuant to Article 5 against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure of, or access to personal data stored, transmitted or otherwise processed.

Justification

Data security is an essential element of Union law on data protection. The COM proposal recognises it by acknowledging that it does not include any guarantee regarding the accessibility of personal data. The proposed wording is taken from current Directive 95/46/EC and its replacement act, Regulation 2016/679. Article 11 of Directive 98/41, replaced here by a new Article 11, contained this obligation, which is deleted in the proposal. It should be reintroduced.

Amendment 9

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 98/41/EC

Article 10 – paragraph 4

Text proposed by the Commission

Amendment

Without prejudice to other reporting obligations, once the information is no longer needed for ***these purposes***, it shall be destroyed.;

Without prejudice to other ***specific*** reporting obligations ***under Union or national law, including for statistical purposes***, once the information is no longer needed for ***that purpose***, it shall be ***immediately*** destroyed.

Justification

Alignment with AM 3 to ensure legal consistency

Amendment 10

Proposal for a directive

Article 1 – paragraph 1 – point 9 a (new)

Text proposed by the Commission

Amendment

(9 a) the following Article is inserted:

"Article 11a

1. The processing of personal data pursuant to this Directive shall be carried out in accordance with Regulation (EU) 2016/679.

2. The processing of personal data by Union institutions and bodies pursuant to this Directive, such as in the Single Window and the SafeSeaNet, shall be carried out in accordance with Regulation (EC) No 45/2001.

Justification

Legal consistency with Directive 2010/65 which also contains a similar provision. It would also go together with Recital 10. In fact the Single Window and the SafeSeaNet are managed by the European Maritime Agency.

Amendment 11

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 98/41/EC

Article 14 a – paragraph 1

Text proposed by the Commission

The Commission shall evaluate the implementation of this Directive and submit the results of the evaluation to the European Parliament and the Council no later than [**seven** years after the date referred to in the second subparagraph of Article 3(1)].

Amendment

The Commission shall evaluate the implementation of this Directive and submit the results of the evaluation to the European Parliament and the Council no later than [**three** years after the date referred to in the second subparagraph of Article 3(1)].

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community and amending Directive 2010/65/EU of the European Parliament and of the Council on reporting formalities for ships arriving in and/or departing from ports of the Member States
References	COM(2016)0370 – C8-0209/2016 – 2016/0171(COD)
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