



PE742.485v01-00

13.2.2023

AMENDMENTS

1 - 400

Sophia in 't Veld
(PE740.554v01-00)

Proposal for a recommendation of the European Parliament of the Investigation of alleged contraventions and maladministration in the application of Union law in relation to the use of Pegasus and equivalent surveillance spyware

AM_Com_NonLegRD

Amendment 1

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Citation 3

Draft motion for a resolution

— having regard to the Charter of Fundamental Rights of the European Union (the ‘Charter’), and in particular Articles 7, 8, 11, 17, 21 and 47 thereof,

Amendment

— having regard to the Charter of Fundamental Rights of the European Union (the ‘Charter’), and in particular Articles 7, 8, 11, 17, 21, **41, 42** and 47 thereof,

Or. en

Amendment 2

Ivo Hristov

Draft motion for a resolution

Citation 5 a (new)

Draft motion for a resolution

Amendment

— ***having regard to the Proposal of a Regulation of the European Parliament and the Council of 16 September 2022 establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU (2022/0277(COD)) ;***

Or. en

Amendment 3

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Citation 6 a (new)

Draft motion for a resolution

Amendment

— *having regard to Directive (EU) 2013/40 of the European Parliament and of the Council of 12 August 2013 on attacks against information systems (“Cybercrime Directive”),*

Or. en

Amendment 4
Sophia in 't Veld

Draft motion for a resolution
Citation 10 a (new)

Draft motion for a resolution

Amendment

— *having regard to Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and amending Directives 2009/139/EC and 2013/36/EU^{9a};*

^{9a} *OJ L 156, 19.6.2018, p. 43–74*

Or. en

Amendment 5
Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution
Citation 10 a (new)

Draft motion for a resolution

Amendment

— *having regard to Article 12 of the Universal Declaration of Human Rights,*

Or. en

Amendment 6
Sophia in 't Veld

Draft motion for a resolution
Citation 10 b (new)

Draft motion for a resolution

Amendment

— *having regard to CJEU judgement C-37/20^{9b} on the anti-money-laundering directive on the provision whereby the information on the beneficial ownership of companies incorporated within the territory of the Member States is accessible in all cases to any member of the general public is ruled invalid;*

9b

<https://curia.europa.eu/jcms/upload/docs/application/pdf/2022-11/cp220188en.pdf>

Or. en

Amendment 7
Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution
Citation 10 b (new)

Draft motion for a resolution

Amendment

— *having regard to Article 17 of the International Covenant on Civil and Political Rights,*

Or. en

Amendment 8
Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution
Citation 10 c (new)

Draft motion for a resolution

Amendment

— *having regard to the European Data Protection Supervisor's Preliminary Remarks on Modern Spyware*^{10a},

10a

https://edps.europa.eu/system/files/2022-02/22-02-15_edps_preliminary_remarks_on_modern_spyware_en_0.pdf

Or. en

Amendment 9

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Citation 11 a (new)

Draft motion for a resolution

Amendment

— *having regard to the statement of UN High Commissioner for Human Rights Michelle Bachelet on 19 July 2022 on " Use of spyware to surveil journalists and human rights defenders "*^{12a}

12a

<https://www.ohchr.org/en/2021/07/use-spyware-surveil-journalists-and-human-rights-defendersstatement-un-high-commissioner?LangID=E&NewsID=27326>

Or. en

Amendment 10

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Citation 11 a (new)

Draft motion for a resolution

Amendment

— *having regard to the proposed
European Media Freedom Act
(2022/0277(COD))*

Or. en

Amendment 11

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Citation 11 b (new)

Draft motion for a resolution

Amendment

— *having regard to the statement of
Council of Europe Commissioner for
Human Rights Dunja Mijatovic on 27
January 2023 "highly intrusive spyware
threatens the essence of human rights"^{13a}*

^{13a}

*[https://www.coe.int/en/web/commissioner/
-/highly-intrusive-spyware-threatens-the-
essence-of-human-rights](https://www.coe.int/en/web/commissioner/-/highly-intrusive-spyware-threatens-the-essence-of-human-rights)*

Or. en

Amendment 12

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Citation 12

Draft motion for a resolution

Amendment

— having regard to the European
Convention for the Protection of Human
Rights and Fundamental Freedoms, and in
particular Articles 8, **9, 13** and 17 thereof,
and the Protocols to that Convention,

— having regard to the European
Convention for the Protection of Human
Rights and Fundamental Freedoms, and in
particular Articles 8, **10, 13, 14** and 17
thereof, and the Protocols to that
Convention, *in particular Protocol 12,*

Amendment 13

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Citation 14

Draft motion for a resolution

Amendment

— *having regard to the Venice Commission report concerning the democratic oversight of the security services¹² and the Opinion on the Act of 15 January 2016 Amending the Police Act and Certain Other Acts¹³,*

deleted

¹²

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2015\)010-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2015)010-e).

¹³

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)012-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)012-e).

Amendment 14

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Citation 14 a (new)

Draft motion for a resolution

Amendment

— *having regard to the 2021 Europol report on Serious and Organized Crime Threat Assessment (SOCTA);*

Amendment 15

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Andrzej Halicki, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Citation 14 b (new)

Draft motion for a resolution

Amendment

— *having regard to the 2017 FRA report titled “Surveillance by intelligence services: fundamental rights safeguards and remedies in the EU”, as well as the updates presented on February 28th, 2023;*

Or. en

Amendment 16

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Citation 15 a (new)

Draft motion for a resolution

Amendment

— *having regard to the European Data Protection Supervisor’s (EDPS) Preliminary remarks on modern spyware of 15 February, 2022,*

Or. en

Amendment 17

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Citation 15 b (new)

Draft motion for a resolution

Amendment

— *having regard to the European Data Protection Supervisor's (EDPS) opinion on the European Media Freedom Act,*

Or. en

Amendment 18

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé
on behalf of the Verts/ALE Group

Draft motion for a resolution
Citation 15 c (new)

Draft motion for a resolution

Amendment

— *having regard to the glossary on malware and spyware by the European Union Agency for Cybersecurity (ENISA),*

Or. en

Amendment 19

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé
on behalf of the Verts/ALE Group

Draft motion for a resolution
Citation 15 d (new)

Draft motion for a resolution

Amendment

— *having regard to the European Ombudsman's Decision on how the European Commission assessed the human rights impact before providing support to African countries to develop surveillance capabilities (case 1904/2021/MHZ),*

Or. en

Amendment 20

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Citation 15 e (new)

Draft motion for a resolution

Amendment

— *having regard to the statement 2 February 2023 by Ms. Irene Kahn, UN Special Rapporteur on freedom of opinion and expression and Mr. Fernand de Varennnes, UN Special Rapporteur on minority issues, demanding an investigation into the alleged spying programme targeting Catalan leaders ; ^{1a}*

^{1a} <https://www.ohchr.org/en/press-releases/2023/02/spain-un-experts-demand-investigation-alleged-spying-programme-targeting>

Or. en

Amendment 21

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital -A (new)

Draft motion for a resolution

Amendment

-A. *whereas techniques of surveillance have been designed to prevent crime and illicit activities of a serious nature; whereas said techniques advance in accordance to the technology of the times;*

Or. en

Amendment 22

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Andrzej Halicki, Frances Fitzgerald, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital -A a (new)

Draft motion for a resolution

Amendment

-A a. whereas surveillance techniques are liable to be abused in environments without effective checks and balances;

Or. en

Amendment 23

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Recital A

Draft motion for a resolution

Amendment

A. whereas ***it has been revealed*** that government bodies in several countries, both Member States and third countries, have used Pegasus and other brands of surveillance spyware against journalists, politicians, law enforcement officials, diplomats, lawyers, business people, civil society actors and other actors, for political and even criminal purposes; whereas such practices are extremely alarming and underscore the risk of abuse of surveillance technologies to undermine human rights and democracy;

A. whereas ***there are suspicions*** that government bodies in several countries, both Member States and third countries, have used Pegasus and other brands of surveillance spyware against journalists, politicians, law enforcement officials, diplomats, lawyers, business people, civil society actors and other actors ***not only to prevent serious crime (including organized crime), but possibly also*** for political and even criminal purposes; whereas ***these suspicions are more or less justified and*** whereas, ***due to the specificity of how software such as Pegasus works, it is extremely difficult to say with certainty which software and by whom individual mobile devices have been hacked;*** whereas such practices, ***if they did occur***, are extremely alarming and underscore the risk of abuse of surveillance technologies to undermine human rights and democracy;

Amendment 24
Ivo Hristov

Draft motion for a resolution
Recital A

Draft motion for a resolution

A. whereas it has been revealed that government bodies in several countries, both Member States and third countries, have used Pegasus and other brands of surveillance spyware against journalists, politicians, law enforcement officials, diplomats, lawyers, business people, civil society actors and other actors, for political and even criminal purposes; whereas such practices are extremely alarming and underscore the risk of abuse of surveillance technologies to undermine human rights and democracy;

Amendment

A. whereas it has been revealed that government bodies in several countries, both Member States and third countries, have used Pegasus and other brands of surveillance spyware against journalists, politicians, law enforcement officials, diplomats, lawyers, business people, civil society actors and other actors, for political and even criminal purposes; whereas such practices are extremely alarming and underscore the risk of abuse of surveillance technologies to undermine ***fundamental*** human rights, ***electoral processes*** and democracy;

Amendment 25
Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution
Recital A

Draft motion for a resolution

A. whereas it has been revealed that government bodies in several countries, both Member States and third countries, have used Pegasus and other brands of surveillance spyware against journalists, politicians, law enforcement officials, diplomats, lawyers, business people, civil society actors and other actors, for ***political and even criminal*** purposes; whereas such

Amendment

A. whereas it has been revealed that government bodies in several countries, both Member States and third countries, have used Pegasus and other brands of surveillance spyware against journalists, politicians, law enforcement officials, diplomats, lawyers, business people, civil society actors and other actors, for ***various*** purposes; whereas such practices

practices ***are extremely alarming and underscore*** the risk of abuse of surveillance technologies to undermine human rights and democracy;

demonstrate the risk of abuse of surveillance technologies to undermine human rights and democracy;

Or. en

Amendment 26

Ibán García Del Blanco, Juan Fernando López Aguilar

Draft motion for a resolution

Recital A

Draft motion for a resolution

A. whereas it has been revealed that government bodies in several countries, both Member States and third countries, have used Pegasus and ***other brands of*** surveillance spyware against journalists, politicians, law enforcement officials, diplomats, lawyers, business people, civil society actors and other actors, for political and even criminal purposes; whereas such practices are extremely alarming and underscore the risk of abuse of surveillance technologies to undermine human rights and democracy;

Amendment

A. whereas it has been revealed that government bodies in several countries, both Member States and third countries, have used Pegasus and ***equivalent*** surveillance spyware against journalists, politicians, law enforcement officials, diplomats, lawyers, business people, civil society actors and other actors, for political and even criminal purposes; whereas such practices are extremely alarming and underscore the risk of abuse of surveillance technologies to undermine human rights and democracy;

Or. en

Amendment 27

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé
on behalf of the Verts/ALE Group

Draft motion for a resolution

Recital A a (new)

Draft motion for a resolution

Amendment

A a. whereas the following use of the term “spyware” refers to a type of malware, that can be used in state-hacking operations, which is installed

onto a person's device with the aim to gather information without their knowledge or consent, and that can be used to steal confidential and personal information or perform other unauthorised actions; whereas spying activities can include keylogging, activity monitoring, and data collection, as well as other forms of data theft; whereas spyware can spread as a Trojan, infected files or emails, or by exploiting software vulnerabilities, or be bundled with other software and installed without the targeted person's knowledge;^{1a}

*^{1a} ENISA Glossary on spyware and malware,
<https://www.enisa.europa.eu/topics/incident-response/glossary/malware>*

Or. en

Amendment 28

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez, Jörgen Warborn

Draft motion for a resolution

Recital A a (new)

Draft motion for a resolution

Amendment

A a. whereas terrorist groups and organized crime networks benefit from unprecedented access to cutting-edge technologies that allow them to better obscure their activities; whereas law-enforcement and intelligence agencies are struggling to compete with these growing capabilities; whereas spyware technology has been developed with the aim of tackling terrorism and organized crime and counterbalancing the technology used by criminals and terrorists; whereas trade restrictions on spyware technology can hinder the ability of law enforcement and intelligence agencies to combat

terrorism and organised crime;

Or. en

Amendment 29

Hannes Heide, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Recital A a (new)

Draft motion for a resolution

Amendment

A a. whereas whenever the term "spyware" is mentioned in the report, it means "Pegasus and equivalent surveillance spyware" as defined in the European Parliament's decision of 10 March 2022 on setting up a committee of inquiry to investigate the use of the Pegasus and equivalent surveillance spyware, and defining the subject of the inquiry, as well as the responsibilities, numerical strength and term of office of the committee (2022/2586(RSO));

Or. en

Amendment 30

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Recital A a (new)

Draft motion for a resolution

Amendment

A a. whereas the global scale of secretive cyber surveillance constitutes an international human rights crisis;

Or. en

Amendment 31

**Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield,
Jordi Solé**
on behalf of the Verts/ALE Group

Draft motion for a resolution
Recital A b (new)

Draft motion for a resolution

Amendment

A b. whereas it has been observed that state actors have deliberately used spyware in a misleading manner by using spyware that can disguise itself as legitimate program, file or content (“trojan horse”), such as fake messages from public institutions; whereas in some cases phone operators have been used by public authorities to transmit malicious content to the targeted person’s device; whereas spyware can be deployed by exploiting zero-day vulnerabilities without the interaction of the target with infected content and can remove all traces of its presence upon uninstallation as well as anonymising the link between remote operators and server;

Or. en

Amendment 32

**Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield,
Jordi Solé**
on behalf of the Verts/ALE Group

Draft motion for a resolution
Recital A c (new)

Draft motion for a resolution

Amendment

A c. whereas capabilities of spyware are constantly evolving and a legal definition of spyware should be future-proof, flexible and updateable; whereas a definition solely relying on the exploitation of security vulnerabilities is too narrow;

Amendment 33

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Recital B a (new)

Draft motion for a resolution

Amendment

B a. whereas the rise in popularity of the internet in the early 2000's, and the increasingly widespread use of electronic communication using personal computers led to the emergence of the early spyware industry that fuelled the creation of government hacking programmes based on malware, as well as practices such as the trading and hoarding of zero-day vulnerabilities;

Or. en

Amendment 34

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital C

Draft motion for a resolution

Amendment

C. whereas the arrival of encrypted mobile communication applications *led* to the *emergence of the spyware industry exploring existing vulnerabilities in smartphones' operative systems to install software used to import spyware into the phone, including through 'zero-click', enabling the extraction of data before encryption;*

C. whereas *the development of communication technology, and especially* the arrival of encrypted mobile communication applications *has provided criminal organizations with secure channels from which to coordinate, promote and execute all sorts of illicit activities; whereas these secure channels have contributed to the increased resilience, scope and diversification of serious and organized criminal activity in the last few years;*

Amendment 35

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Andrzej Halicki, Frances Fitzgerald, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital C a (new)

Draft motion for a resolution

Amendment

C a. whereas the knowledge of vulnerabilities in software systems is traded directly between parties, or is facilitated by brokers; whereas this trade includes non-state actors and criminal organisations;

Amendment 36

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Recital C a (new)

Draft motion for a resolution

Amendment

C a. whereas such ‘zero-click’ spyware, by its very design, undermines effective and meaningful scrutiny of its use;

Amendment 37

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Andrzej Halicki, Frances Fitzgerald, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital C b (new)

Draft motion for a resolution

Amendment

C b. whereas vulnerabilities which offer full access to the user's operating systems without a user's knowledge, are known as 'zero-click' vulnerabilities; whereas these attacks occur without any action taken by the user; whereas Pegasus is an example of such a software;

Or. en

Amendment 38

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Recital C b (new)

Draft motion for a resolution

Amendment

C b. whereas the trading and hoarding of zero-day vulnerabilities fundamentally undermines the integrity and security of our information and communication technology;

Or. en

Amendment 39

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital C c (new)

Draft motion for a resolution

Amendment

C c. whereas a heterogeneous spyware industry exists, composed of actors with varying range of services, standards and policies; whereas this industry provides services aimed to improve the crime-fighting capabilities of legitimate law-enforcement;

Amendment 40

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Recital C c (new)

Draft motion for a resolution

Amendment

C c. whereas the most effective measure at hand would therefore be a ban of the use and a ban of the global trade in surveillance technology, in particular the sale, export, transfer of surveillance technology;

Amendment 41

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital C e (new)

Draft motion for a resolution

Amendment

C e. whereas this industry has developed methods to exploit existing vulnerabilities in smartphones' operative systems to install spyware into the phone, including through 'zero-click', enabling the extraction of data before encryption; whereas these vulnerabilities have not been created by the spyware industry, but are a feature that has been recurrently exploited by illicit hostile actors;

Amendment 42

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin

Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital C g (new)

Draft motion for a resolution

Amendment

C g. whereas encrypted communications and other tools for private online communication have been highlighted by the Europol SOCTA 2021 report as one of the key parts of the so called crime-as-service model; whereas the report mentions the role of encrypted communications in a wide range of activities including smuggling, premeditated violence, drug production and sale, human trafficking, money laundering and online child abuse;

Or. en

Amendment 43

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital C i (new)

Draft motion for a resolution

Amendment

C i. whereas Europol reports that the illicit activities of these actors are exceedingly hard to disrupt; whereas encrypted communication, the deep web and other forms of anonymous online communication are used to obscure the ties between the members, accomplices and sponsors of criminal and terrorist organizations; whereas their complexity and operational fluidity is making it increasingly hard to gather enough evidence to deal a decisive blow to their operational structure;

Or. en

Amendment 44

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital C k (new)

Draft motion for a resolution

Amendment

C k. whereas Europol reports that the extent of money laundering and other illicit financials channels has been severely underestimated in the past; whereas this structure provides criminal network with the means to perform their illicit activities and obtain significant profit from them;

Or. en

Amendment 45

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Recital D

Draft motion for a resolution

Amendment

D. whereas the use of spyware surveillance should remain the exception and always subject to an effective and meaningful ex ante judicial authorisation by an impartial and independent judicial authority, which must ensure that the measure is necessary and proportionate and strictly limited to cases affecting national security, terrorism and serious crime;

D. whereas the use of spyware surveillance should remain the exception and, ***excluding counterterrorism- and national security-related emergencies***, always subject to an effective and meaningful ex ante judicial authorisation by an impartial and independent judicial authority, which must ensure that the measure is necessary and proportionate and strictly limited to cases affecting national security, terrorism and serious crime;

Or. fr

Amendment 46

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Andrzej Halicki, Frances Fitzgerald, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital D

Draft motion for a resolution

D. whereas the use of spyware surveillance should remain the exception and always subject to an effective and meaningful ex ante judicial authorisation by an impartial and independent judicial authority, which must ensure that the measure is necessary and proportionate and strictly limited to cases affecting national security, terrorism and serious crime;

Amendment

D. whereas the use of spyware surveillance should remain the exception and always subject to an effective, **binding** and meaningful ex ante judicial authorisation by an impartial and independent judicial authority, which must ensure that the measure is necessary and proportionate and strictly limited to cases affecting national security, terrorism and serious crime;

Or. en

Amendment 47

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Recital D

Draft motion for a resolution

D. whereas the use of spyware surveillance should remain the exception and **always** subject to an effective and meaningful ex ante judicial authorisation by an impartial and independent judicial authority, which must ensure that the measure is necessary and proportionate and strictly limited to cases affecting national security, terrorism and serious crime;

Amendment

D. whereas the use of spyware surveillance should remain the exception and, **as a rule**, subject to an effective and meaningful ex ante judicial authorisation by an impartial and independent judicial authority, which must ensure that the measure is necessary and proportionate and strictly limited to cases affecting national security, terrorism and serious crime;

Or. en

Amendment 48

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution
Recital D

Draft motion for a resolution

D. whereas the use of spyware surveillance should remain the exception and always subject to an effective and meaningful ex ante judicial authorisation by an impartial and independent judicial authority, which must ensure that the measure is necessary and proportionate and strictly limited to cases affecting national security, ***terrorism and serious crime***;

Amendment

D. whereas the use of spyware surveillance should ***as a minimum always*** remain the exception and always subject to an effective and meaningful ex ante judicial authorisation by an impartial and independent judicial authority, which must ensure that the measure is necessary and proportionate and strictly limited to cases affecting national security;

Or. en

Amendment 49

Hannes Heide, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution
Recital E

Draft motion for a resolution

E. whereas any spyware surveillance must be scrutinised by an independent ex post oversight authority, which must ensure that any authorised surveillance is carried out in compliance with fundamental rights and in accordance with the conditions set out by the Court of Justice of the European Union (CJEU), the European Court of Human Rights (ECtHR) and the Venice Commission ***and must be able to terminate*** the surveillance ***if*** it is ***not***;

Amendment

E. whereas any spyware surveillance must be scrutinised by an independent ex post oversight authority, which must ensure that any authorised surveillance is carried out in compliance with fundamental rights and in accordance with the conditions set out by the Court of Justice of the European Union (CJEU), the European Court of Human Rights (ECtHR) and the Venice Commission; ***whereas such ex post oversight authority should order the termination of*** the surveillance ***when*** it is ***found to be incompatible with the above-mentioned right and conditions***;

Or. en

Amendment 50

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Andrzej Halicki, Frances Fitzgerald, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital E

Draft motion for a resolution

E. whereas any spyware surveillance must be scrutinised by an independent ex post oversight authority, which must ensure that any authorised surveillance is carried out in compliance with fundamental rights and in accordance with the conditions set out by the Court of Justice of the European Union (CJEU), the European Court of Human Rights (ECtHR) and the Venice Commission and must be able to terminate the surveillance if it is not;

Amendment

E. whereas any spyware surveillance must be scrutinised by an independent ex post oversight authority, which must ensure that any authorised surveillance is carried out in compliance with **democratic standards, applicable laws**, fundamental rights and in accordance with the conditions set out by the Court of Justice of the European Union (CJEU), the European Court of Human Rights (ECtHR) and the Venice Commission and must be able to terminate the surveillance if it is not;

Or. en

Amendment 51

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Recital E

Draft motion for a resolution

E. whereas any spyware surveillance must be scrutinised by an independent ex post oversight authority, which must ensure that any authorised surveillance is carried out in compliance with fundamental rights and in accordance with the conditions set out by the Court of Justice of the European Union (CJEU), the European Court of Human Rights (ECtHR) and the Venice Commission and must be able to terminate the surveillance if it is not;

Amendment

E. whereas any spyware surveillance must be scrutinised by an independent ex post oversight authority, which must ensure that any authorised surveillance is carried out in compliance with fundamental rights and in accordance with the conditions set out by the Court of Justice of the European Union (CJEU), the European Court of Human Rights (ECtHR) and the Venice Commission and must be able to terminate the surveillance **immediately** if it is not;

Or. en

Amendment 52

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Recital E

Draft motion for a resolution

E. whereas any spyware surveillance must be scrutinised by an independent ex post oversight authority, which must ensure that any authorised surveillance is carried out in compliance with fundamental rights and in accordance with the conditions set out by the Court of Justice of the European Union (CJEU), the European Court of Human Rights (ECtHR) **and the Venice Commission** and must be able to terminate the surveillance if it is not;

Amendment

E. whereas any spyware surveillance must be scrutinised by an independent ex post oversight authority, which must ensure that any authorised surveillance is carried out in compliance with fundamental rights and in accordance with the conditions set out by the Court of Justice of the European Union (CJEU) **and** the European Court of Human Rights (ECtHR) and must be able to terminate the surveillance if it is not;

Or. en

Amendment 53

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Recital F

Draft motion for a resolution

F. whereas spyware surveillance failing to meet the requirements set out in Union law and the jurisprudence of the CJEU and the ECtHR would entail a violation of the values enshrined in Article 2 TEU and the fundamental rights enshrined in the Charter and, in particular, Articles 7, 8, 11, 17, 21 and 47 thereof that recognise the specific rights, freedoms and principles set out in it, such as respect for private and family life, the protection of personal data, freedom of expression and information, right to property, right to non-

Amendment

F. whereas **not related to national security issues** spyware surveillance failing to meet the requirements set out in Union law and the jurisprudence of the CJEU and the ECtHR would entail a violation of the values enshrined in Article 2 TEU and the fundamental rights enshrined in the Charter and, in particular, Articles 7, 8, 11, 17, 21 and 47 thereof that recognise the specific rights, freedoms and principles set out in it, such as respect for private and family life, the protection of personal data, freedom of expression and information, right to

discrimination, as well as the right to effective remedy and fair trial;

property, right to non-discrimination, as well as the right to effective remedy and fair trial;

Or. en

Amendment 54

Hannes Heide, Birgit Sippel, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Recital F

Draft motion for a resolution

F. whereas spyware surveillance failing to meet the requirements set out in Union law and the jurisprudence of the CJEU and the ECtHR would entail a violation of the values enshrined in Article 2 TEU and the fundamental rights enshrined in the Charter and, in particular, Articles 7, 8, 11, 17, 21 and 47 thereof that recognise the specific rights, freedoms and principles set out in it, such as respect for private and family life, the protection of personal data, freedom of expression and information, right to property, right to non-discrimination, as well as the right to effective remedy and fair trial;

Amendment

F. whereas spyware surveillance failing to meet the requirements set out in Union law and the jurisprudence of the CJEU and the ECtHR would entail a violation of the values enshrined in Article 2 TEU and the fundamental rights enshrined in the Charter and, in particular, Articles 7, 8, 11, 17, 21 and 47 thereof that recognise the specific rights, freedoms and principles set out in it, such as respect for private and family life, the protection of personal data, freedom of expression and information, right to property, right to non-discrimination, as well as the right to effective remedy and fair trial ***and right to presumption of innocence***;

Or. en

Amendment 55

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Recital F

Draft motion for a resolution

F. whereas spyware surveillance failing to meet the requirements set out in Union law and the jurisprudence of the

Amendment

F. whereas spyware surveillance failing to meet the requirements set out in Union law and the jurisprudence of the

CJEU and the ECtHR **would** entail a violation of the values enshrined in Article 2 TEU and the fundamental rights enshrined in the Charter and, in particular, Articles 7, 8, 11, 17, 21 and 47 thereof that recognise the specific rights, freedoms and principles set out in it, such as respect for private and family life, the protection of personal data, freedom of expression and information, right to property, right to non-discrimination, as well as the right to effective remedy and fair trial;

CJEU and the ECtHR **should** entail a violation of the values enshrined in Article 2 TEU and the fundamental rights enshrined in the Charter and, in particular, Articles 7, 8, 11, 17, 21 and 47 thereof that recognise the specific rights, freedoms and principles set out in it, such as respect for private and family life, the protection of personal data, freedom of expression and information, right to property, right to non-discrimination, as well as the right to effective remedy and fair trial;

Or. en

Amendment 56

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Andrzej Halicki, Frances Fitzgerald, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital G

Draft motion for a resolution

G. whereas the rights of targeted persons are laid down in the Charter of Fundamental Rights and international conventions, notably the right to privacy and the right to a fair trial, **and** in Union rules on the rights of suspects and accused;

Amendment

G. whereas the rights of targeted persons are laid down in the Charter of Fundamental Rights and international conventions, notably the right to privacy and the right to a fair trial, in Union rules on the rights of suspects and accused **and are confirmed by case law of CJEU and ECtHR**;

Or. en

Amendment 57

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Recital G

Draft motion for a resolution

G. whereas the rights of targeted

Amendment

G. whereas **some of** the rights of

persons are laid down in the Charter of Fundamental Rights and international conventions, notably the right to privacy and the right to a fair trial, and in Union rules on the rights of suspects and accused;

targeted persons are laid down in the Charter of Fundamental Rights and international conventions, notably the right to privacy and the right to a fair trial, and in Union rules on the rights of suspects and accused;

Or. en

Amendment 58

Ibán García Del Blanco, Juan Fernando López Aguilar

Draft motion for a resolution

Recital G a (new)

Draft motion for a resolution

Amendment

G a. whereas legal frameworks that safeguard civil rights and comprise remedy exist, yet Member States' intelligence activities often fall within classified information with the degree of secrecy, and such activities cannot be disclosed to unauthorised bodies;

Or. en

Amendment 59

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Recital G a (new)

Draft motion for a resolution

Amendment

G a. whereas professional secrecy is a vitally important principle that in a democratic country guarantees fundamental rights, such as the rights of the defence, the right to health care, freedom of expression and information, freedom of thought and religion;

Amendment 60

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Recital G b (new)

Draft motion for a resolution

Amendment

G b. whereas the impact of targeted surveillance on women can be particularly grievous, as authorities may use the increased social scrutiny women are under to weaponise private and intimate data extracted through spyware for defamation campaigns

Or. en

Amendment 61

Carles Puigdemont i Casamajó

Draft motion for a resolution

Recital H

Draft motion for a resolution

Amendment

H. whereas it results from the testimonies of victims that even if legal remedy and civil rights may exist on paper, they mostly become void in the face of obstruction by government bodies, the absence of implementation of the right to be informed for victims and the administrative burden to prove the status as victim;

H. whereas it results from the testimonies of victims that even if legal remedy and civil rights may exist on paper, they mostly become void in the face of obstruction by government bodies, the absence of implementation of the right to be informed for victims and the administrative burden to prove the status as victim; ***moreover, in the use of Pegasus spyware there cannot be a real remedy as personal privacy has been completely violated and the gathered information can be used by the spying authorities;***

Or. en

Amendment 62

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Recital H

Draft motion for a resolution

H. whereas it results from the testimonies of victims that even if legal remedy and civil rights may exist on paper, they mostly become void in the face of obstruction by government bodies, the absence of implementation of the right to be informed for victims and the administrative burden to prove the status as victim;

Amendment

H. whereas it results from the testimonies of victims that even if legal remedy and civil rights may exist on paper, they mostly become void in the face of obstruction by government bodies, the absence of implementation of the right to be informed for victims and the administrative burden to prove the status as victim; ***whereas statements and information provided by representatives of the national authorities present the matter differently, stating the correctness and legality of the procedures used;***

Or. en

Amendment 63

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital H

Draft motion for a resolution

H. whereas it results from the testimonies of victims that even if legal remedy and civil rights may exist on paper, they mostly become void in the face of obstruction by government bodies, the absence of implementation of the right to be informed for victims and the administrative ***burden*** to prove the status as victim;

Amendment

H. whereas it results from the testimonies of victims that even if legal remedy and civil rights may exist on paper, they mostly become void in the face of obstruction by government bodies, the absence of implementation of the right to be informed for victims and the administrative ***obstacles*** to prove the status as victim; ***whereas even in systems that offer quick and open procedures, the nature of spyware makes it very hard to***

*prove the nature and extent of victimhood
and authorship;*

Or. en

Amendment 64

**Hannes Heide, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco,
Juan Fernando López Aguilar, Katarina Barley**

Draft motion for a resolution

Recital H

Draft motion for a resolution

H. whereas it results from the testimonies of **victims** that even if legal remedy and civil rights may exist on paper, they mostly become void in the face of obstruction by government bodies, the absence **of implementation** of the right to be informed for **victims** and the administrative burden to prove the status as victim;

Amendment

H. whereas it results from the testimonies of **persons illegally targeted** that even if legal remedy and civil rights may exist on paper, they mostly become void in the face of obstruction by government bodies, the absence **or non-implementation** of the right to be informed for **persons illegally targeted** and the administrative burden to prove the status as victim;

Or. en

Amendment 65

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Recital H

Draft motion for a resolution

H. whereas it results from the testimonies of victims that even if legal remedy and civil rights may exist on paper, they mostly become void in the face of obstruction by government bodies, the absence of implementation of the right to be informed for victims and the administrative burden to prove the status as victim;

Amendment

H. whereas it results from the testimonies of victims **of surveillance** that even if legal remedy and civil rights may exist on paper, they mostly become void in the face of obstruction by government bodies, the absence of implementation of the right to be informed for victims and the administrative burden to prove the status as victim;

Amendment 66
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Recital H

Draft motion for a resolution

H. whereas it results from the testimonies of victims that even if legal remedy and civil rights may exist on paper, they ***mostly*** become void in the face of obstruction by government bodies, the absence of implementation of the right to be informed for victims and the administrative burden to prove the status as victim;

Amendment

H. whereas it results from the testimonies of victims that even if legal remedy and civil rights may exist on paper, they ***sometimes*** become void in the face of obstruction by government bodies, the absence of implementation of the right to be informed for victims and the administrative burden to prove the status as victim;

Or. fr

Amendment 67
Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé
on behalf of the Verts/ALE Group

Draft motion for a resolution
Recital H a (new)

Draft motion for a resolution

Amendment

H a. whereas Courts, on the one hand, have ruled out independent forensics analysis carried out by third parties and submitted by the victim as proof and, on the other hand, required forensic analysis to be carried out by security or law enforcement bodies, who could potentially be behind the hack; whereas this leaves victims facing a paradoxical situation and no viable option of proving a spyware infection;

Or. en

Amendment 68

Hannes Heide, Birgit Sippel, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Recital H a (new)

Draft motion for a resolution

Amendment

H a. whereas the right to private life and confidentiality of communications is a fundamental right protected under the EU Charter of Fundamental Rights and the current e-Privacy Directive;

Or. en

Amendment 69

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Recital I

Draft motion for a resolution

Amendment

I. whereas the Polish government has weakened and eliminated institutional and legal safeguards including proper oversight and scrutiny procedures, effectively leaving victims without any meaningful remedy; ***whereas the Pegasus surveillance spyware has been illegally deployed to spy on journalists, politicians, prosecutors and civil society actors for political purposes;***

I. whereas, ***contrary to the theses spread by the opponents of the current Polish authorities, it is not true that*** the Polish government has weakened and eliminated institutional and legal safeguards including proper oversight and scrutiny procedures, effectively leaving victims without any meaningful remedy; ***because it is quite the opposite: changes in the law introduced by the Law and Justice government have clarified the procedures used, guaranteeing the correctness and proportionality of the means used;***

Or. en

Amendment 70

Hannes Heide, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Recital I

Draft motion for a resolution

I. whereas the Polish government has weakened and eliminated institutional and legal safeguards including proper oversight and scrutiny procedures, effectively leaving *victims* without any meaningful remedy; whereas the Pegasus surveillance spyware has been illegally deployed to spy on journalists, politicians, prosecutors and civil society actors for political purposes;

Amendment

I. whereas the Polish government has weakened and eliminated institutional and legal safeguards including proper oversight and scrutiny procedures, effectively leaving *persons illegally targeted* without any meaningful remedy; whereas the Pegasus surveillance spyware has been illegally deployed to spy on journalists, politicians, prosecutors and civil society actors for political purposes;

Or. en

Amendment 71

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Recital I

Draft motion for a resolution

I. whereas the Polish government has weakened and eliminated institutional and legal safeguards including proper oversight and scrutiny procedures, effectively leaving victims without any meaningful remedy; whereas the Pegasus surveillance spyware has been illegally deployed to spy on journalists, politicians, prosecutors and civil society actors for political purposes;

Amendment

I. whereas the Polish government has weakened and eliminated institutional and legal safeguards including proper oversight and scrutiny procedures, effectively leaving victims without any meaningful remedy; whereas the Pegasus surveillance spyware has been illegally deployed to spy on journalists, politicians, *opposition*, prosecutors and civil society actors for political purposes;

Or. en

Amendment 72

Bartosz Arłukowicz, Andrzej Halicki, Radosław Sikorski, Vladimír Bilčík

Draft motion for a resolution
Recital I

Draft motion for a resolution

I. whereas the Polish government has weakened and eliminated institutional and legal safeguards including proper oversight and scrutiny procedures, effectively leaving victims without any meaningful remedy; whereas the Pegasus surveillance spyware has been illegally deployed to spy on journalists, politicians, prosecutors and civil society actors for political purposes;

Amendment

I. whereas the Polish government has weakened and eliminated institutional and legal safeguards including proper oversight and scrutiny procedures, effectively leaving victims without any meaningful remedy; whereas the Pegasus surveillance spyware has been illegally deployed to spy on journalists, politicians, **lawyers**, prosecutors and civil society actors for political purposes;

Or. pl

Amendment 73
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Recital I

Draft motion for a resolution

I. whereas ***the Polish government has weakened and eliminated*** institutional and legal safeguards including proper oversight and scrutiny procedures, effectively leaving victims without any meaningful remedy; whereas the Pegasus surveillance spyware has been illegally deployed to spy on journalists, politicians, prosecutors and civil society actors for political purposes;

Amendment

I. whereas ***in Poland*** institutional and legal safeguards including proper oversight and scrutiny procedures ***appear to be inadequate***, effectively leaving victims without any meaningful remedy; whereas the Pegasus surveillance spyware has been illegally deployed to spy on journalists, politicians, prosecutors and civil society actors for political purposes;

Or. fr

Amendment 74
Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Recital J

Draft motion for a resolution

Amendment

J. whereas the Hungarian government has weakened and eliminated institutional and legal safeguards including proper oversight and scrutiny procedures, effectively leaving victims without any meaningful remedy; whereas the Pegasus surveillance spyware has been illegally deployed to spy on journalists, politicians, prosecutors and civil society actors for political purposes;

deleted

Or. en

Amendment 75

Hannes Heide, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Recital J

Draft motion for a resolution

Amendment

J. whereas the Hungarian government has weakened and eliminated institutional and legal safeguards including proper oversight and scrutiny procedures, effectively leaving **victims** without any meaningful remedy; whereas the Pegasus surveillance spyware has been illegally deployed to spy on journalists, politicians, prosecutors and civil society actors for political purposes;

J. whereas the Hungarian government has weakened and eliminated institutional and legal safeguards including proper oversight and scrutiny procedures, effectively leaving **persons illegally targeted** without any meaningful remedy; whereas the Pegasus surveillance spyware has been illegally deployed to spy on journalists, politicians, prosecutors and civil society actors for political purposes;

Or. en

Amendment 76

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Recital J

Draft motion for a resolution

J. whereas the Hungarian government has weakened and eliminated institutional and legal safeguards including proper oversight and scrutiny procedures, effectively leaving victims without any meaningful remedy; whereas the Pegasus surveillance spyware has been illegally deployed to spy on journalists, politicians, prosecutors and civil society actors for political purposes;

Amendment

J. whereas the Hungarian government has weakened and eliminated institutional and legal safeguards including proper oversight and scrutiny procedures, effectively leaving victims without any meaningful remedy; whereas the Pegasus surveillance spyware has been illegally deployed to spy on journalists, politicians, **opposition**, prosecutors and civil society actors for political purposes;

Or. en

Amendment 77

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Recital J

Draft motion for a resolution

J. whereas ***the Hungarian government has weakened and eliminated*** institutional and legal safeguards including proper oversight and scrutiny procedures, effectively leaving victims without any meaningful remedy; whereas the Pegasus surveillance spyware has been illegally deployed to spy on journalists, politicians, prosecutors and civil society actors for political purposes;

Amendment

J. whereas ***in Hungary*** institutional and legal safeguards including proper oversight and scrutiny procedures ***appear to be inadequate***, effectively leaving victims without any meaningful remedy; whereas the Pegasus surveillance spyware has been illegally deployed to spy on journalists, politicians, prosecutors and civil society actors for political purposes;

Or. fr

Amendment 78

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Recital K

Draft motion for a resolution

K. whereas Greek Members of

Amendment

K. whereas Greek Members of

Parliament, opposition as well as Nea Demokratia (ND) MPs, ND party *loyalists* and journalists have been targeted with Predator spyware, the use of which is illegal under Greek law; whereas many of the persons targeted were also under official surveillance by the EYP Greek secret service; ***whereas the Greek government denies having purchased or used Predator, but it is highly probable that Predator has been used by or on behalf of persons very close to the Prime Minister's office***; whereas the Greek government admitted it has granted export licences to Intellexa for the sale of the Predator spyware to repressive governments; whereas the government has responded to the scandal with legislative amendments that further reduce the rights of the target to be informed after surveillance has taken place;

Parliament, opposition as well as Nea Demokratia (ND) MPs, ND party *members* and journalists have been targeted with Predator spyware, the use of which is illegal under Greek law; whereas many of the persons targeted were also under official surveillance by the EYP Greek secret service; whereas the Greek government admitted it has granted export licences to Intellexa for the sale of the Predator spyware to repressive governments; whereas the government has responded to the scandal with legislative amendments that further reduce the rights of the target to be informed after surveillance has taken place;

Or. fr

Amendment 79

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital K

Draft motion for a resolution

K. whereas Greek Members of Parliament, opposition as well as Nea Demokratia (ND) MPs, ND party loyalists and journalists have been targeted with Predator spyware, the use of which is illegal under Greek law; whereas many of the persons targeted were also under official surveillance by the EYP Greek secret service; whereas the Greek government denies having purchased or used Predator, ***but it is highly probable that Predator has been used by or on behalf of persons very close to the Prime Minister's office***; whereas the Greek

Amendment

K. whereas Greek Members of Parliament, opposition as well as Nea Demokratia (ND) MPs, ND party loyalists and journalists have been targeted with Predator spyware, the use of which is illegal under Greek law; whereas many of the persons targeted were also under official surveillance by the EYP Greek secret service; whereas the Greek government denies having purchased or used Predator; whereas the Greek government admitted it has granted export licences to Intellexa for the sale of the Predator spyware to repressive

government admitted it has granted export licences to Intellexa for the sale of the Predator spyware to repressive governments; whereas the government has responded to the scandal with legislative amendments that further reduce the rights of the target to be informed after surveillance has taken place;

governments; whereas the government has responded to the scandal with legislative amendments that further reduce the rights of the target to be informed after surveillance has taken place;

Or. en

Amendment 80 **Sophia in 't Veld**

Draft motion for a resolution **Recital K**

Draft motion for a resolution

K. whereas Greek Members of Parliament, opposition as well as Nea Demokratia (ND) MPs, ND party loyalists and journalists have been targeted with Predator spyware, the use of which is illegal under Greek law; whereas many of the persons targeted were also under official surveillance by the EYP Greek secret service; whereas the Greek government denies having purchased or used Predator, but it is highly probable that Predator has been used by or on behalf of persons very close to the Prime Minister's office; whereas the Greek government admitted it has granted export licences to Intellexa for the sale of the Predator spyware to repressive governments; whereas the government has responded to the scandal with legislative amendments that further reduce the rights of the target to be informed after surveillance has taken place;

Amendment

K. whereas Greek Members of Parliament, opposition as well as Nea Demokratia (ND) MPs, ND party loyalists and journalists have been targeted with Predator spyware, the use of which is illegal under Greek law; whereas many of the persons targeted were also under official surveillance by the EYP Greek secret service; whereas the Greek government denies having purchased or used Predator, but it is highly probable that Predator has been used by or on behalf of persons very close to the Prime Minister's office; whereas the Greek government admitted it has granted export licences to Intellexa for the sale of the Predator spyware to repressive governments; whereas the government has responded to the scandal with legislative amendments that further reduce the rights of the target to be informed after surveillance has taken place ***and further hampers the work of independent authorities;***

Or. en

Amendment 81

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Recital K

Draft motion for a resolution

K. whereas Greek Members of Parliament, opposition as well as Nea Demokratia (ND) MPs, ND party loyalists and journalists have been targeted with Predator spyware, the use of which is illegal under Greek law; whereas many of the persons targeted were also under official surveillance by the EYP Greek secret service; whereas the Greek government denies having purchased or used Predator, but it is highly probable that Predator has been used by or on behalf of persons very close to the Prime Minister's office; whereas the Greek government admitted it has granted export licences to Intellexa for the sale of the Predator spyware to repressive governments; whereas the government has responded to the scandal with legislative amendments that further reduce the rights of the target to be informed after surveillance has taken place;

Amendment

K. whereas Greek Members of Parliament, opposition as well as Nea Demokratia (ND) MPs, ND party loyalists and journalists have been **probably** targeted with Predator spyware, the use of which is illegal under Greek law; whereas many of the persons **who are likely to be** targeted were also under official surveillance by the EYP Greek secret service; whereas the Greek government denies having purchased or used Predator, but it is highly probable that Predator has been used by or on behalf of persons very close to the Prime Minister's office; whereas the Greek government admitted it has granted export licences to Intellexa for the sale of the Predator spyware to repressive governments; whereas the government has responded to the scandal with legislative amendments that further reduce the rights of the target to be informed after surveillance has taken place;

Or. en

Amendment 82

Hannes Heide, Sylvie Guillaume, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Recital K

Draft motion for a resolution

K. whereas Greek Members of Parliament, opposition as well as **Nea Demokratia (ND) MPs, ND party loyalists** and journalists have been targeted with

Amendment

K. whereas Greek Members of Parliament, opposition as well as **government representatives, party activists** and journalists have been targeted with

Predator spyware, the use of which is illegal under Greek law; whereas many of the persons targeted were also under official surveillance by the EYP Greek secret service; whereas the Greek government denies having purchased or used Predator, but it is highly probable that Predator has been used by or on behalf of persons very close to the Prime Minister's office; whereas the Greek government admitted it has granted export licences to Intellexa for the sale of the Predator spyware to repressive governments; whereas the government has responded to the scandal with legislative amendments that further reduce the rights of the target to be informed after surveillance has taken place;

Predator spyware, the use of which is illegal under Greek law; whereas many of the persons targeted were also under official surveillance by the EYP Greek secret service; whereas the Greek government denies having purchased or used Predator, but it is highly probable that Predator has been used by or on behalf of persons very close to the Prime Minister's office; whereas the Greek government admitted it has granted export licences to Intellexa for the sale of the Predator spyware to repressive governments; whereas the government has responded to the scandal with legislative amendments that further reduce the rights of the target to be informed after surveillance has taken place;

Or. en

Amendment 83

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital L

Draft motion for a resolution

L. whereas revelations showed two categories of spyware targets in Spain; whereas the first includes the Prime Minister and the Minister of Defence ***that are believed to be spied upon by Morocco;*** whereas the second concerns some 65 victims referred to as 'CatalanGate' ***including*** Catalan parliamentarians, Members of Parliament, lawyers and civil society actors; whereas the Spanish ***authorities admitted*** in May 2020 ***to targeting 18 of those 65 victims*** with court authorisation, ***however, they have refrained from providing further information, invoking national security;***

Amendment

L. whereas revelations showed two categories of spyware targets in Spain; whereas the first includes the Prime Minister and the Minister of Defence, ***the Minister of the Interior and other high officials*** whereas the second concerns some 65 victims referred to as 'CatalanGate' ***by the organization Citizen Lab, concerning*** Catalan parliamentarians, Members of Parliament, lawyers and civil society actors; whereas the Spanish ***National Intelligence Centre (CNI) provided explanations*** in May 5th 2022 ***in regards to the surveillance of 18 figures related to the Catalan secessionist movement*** with court authorisation; ***whereas the legal requirements of secrecy***

contained in the Official Secrets Act have prevented the disclosure of additional information which, nevertheless, has been reviewed and verified by independent bodies with the adequate mandate, such as the ombudsman, in addition to the Official Secrets Committee of the Congress of Deputies;

Or. en

Amendment 84

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Recital L

Draft motion for a resolution

L. whereas revelations showed two categories of spyware targets in Spain; whereas the first includes the Prime Minister and the Minister of Defence that are believed to be spied upon by Morocco; whereas the second concerns some 65 victims referred to as ‘CatalanGate’ including Catalan *parliamentarians*, Members of Parliament, lawyers and civil society actors; whereas the Spanish authorities admitted in May 2020 to targeting 18 of those 65 victims with court authorisation, however, they have refrained from providing further information, invoking national security;

Amendment

L. *whereas the Pegasus surveillance spyware has been illegally deployed to spy on journalists, politicians, and civil society actors in Spain for political purposes;* whereas revelations showed two categories of spyware targets in Spain; whereas the first includes the Prime Minister and the Minister of Defence that are believed to be spied upon by Morocco; whereas the second concerns some 65 victims referred to as ‘CatalanGate’ including Catalan *Members of the European Parliament - one of them hacked during the exercise of their political mandate*, Members of the *Catalan* Parliament, lawyers and civil society actors; whereas the Spanish authorities admitted in May 2020 to targeting 18 of those 65 victims with court authorisation, however, they have refrained from providing *the judicial authorizations, as well as* further information, invoking national security ;

Or. en

Amendment 85

Hannes Heide, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Recital L

Draft motion for a resolution

L. whereas revelations showed two categories of spyware targets in Spain; whereas the first includes the Prime Minister and the Minister of Defence that are believed to be spied upon by Morocco; whereas the second *concerns some 65 victims referred to as ‘CatalanGate’ including Catalan parliamentarians, Members of Parliament, lawyers and civil society actors*; whereas the Spanish *authorities admitted* in May 2020 to targeting 18 *of those 65 victims* with court authorisation, however, they have *refrained from providing further information, invoking* national security;

Amendment

L. whereas revelations showed two categories of spyware targets in Spain; whereas the first includes the Prime Minister and the Minister of Defence that are believed to be spied upon by Morocco; whereas the second *includes political figures of the regional Government of Catalonia, members of the pro-Catalan independence movement, lawyers and journalists*; whereas the Spanish *intelligence authority reportedly declared* in May 2022 to targeting 18 *persons* with court authorisation, however, they have *invoked* national security *when giving account, to the extent possible within their legal obligations, of the use of spyware surveillance in Spain*;

Or. en

Amendment 86

Carles Puigdemont i Casamajó

Draft motion for a resolution

Recital L

Draft motion for a resolution

L. whereas revelations showed two categories of spyware targets in Spain; whereas the first includes the Prime Minister and the Minister of Defence that are believed to be spied upon by Morocco; whereas the second concerns *some* 65 victims referred to as ‘CatalanGate’ including Catalan parliamentarians, Members of Parliament, lawyers and civil

Amendment

L. whereas revelations showed two categories of spyware targets in Spain; whereas the first includes the Prime Minister and the Minister of Defence that are believed to be spied upon by Morocco; whereas the second concerns *at least* 65 victims referred to as ‘CatalanGate’ including Catalan parliamentarians, Members of Parliament, lawyers and civil

society actors; whereas the Spanish authorities admitted in May 2020 to targeting 18 of those 65 victims with court authorisation, however, they have refrained from providing further information, invoking national security;

society actors, ***all of them supportive of the right to self-determination of Catalonia***; whereas the Spanish authorities admitted in May 2020 to targeting 18 of those 65 victims with court authorisation, however, they have refrained from providing further information, invoking national security;

Or. en

Amendment 87

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution **Recital L**

Draft motion for a resolution

L. whereas ***revelations showed*** two categories of spyware targets in Spain; whereas the first includes the Prime Minister and the Minister of Defence that are believed to be spied upon by Morocco; whereas the second ***concerns some 65 victims referred to as ‘CatalanGate’*** including Catalan parliamentarians, Members of Parliament, lawyers and civil society actors; whereas the Spanish authorities admitted in May 2020 to targeting 18 of those ***65 victims*** with court authorisation, ***however, they have refrained from providing*** further information, ***invoking*** national security;

Amendment

L. whereas ***it is suspected that there are*** two categories of spyware targets in Spain; whereas the first includes the Prime Minister and the Minister of Defence that are believed to be spied upon by Morocco; whereas the second ***would allegedly concern 65 people suspected of links to an attempt to break Catalonia from Spain,*** including Catalan parliamentarians, Members of Parliament, lawyers and civil society actors; whereas the Spanish authorities admitted in May 2020 to targeting 18 of those ***people*** with court authorisation, ***while stating that*** further information ***could not be provided for reasons of*** national security;

Or. en

Amendment 88

Jorge Buxadé Villalba

Draft motion for a resolution **Recital L**

Draft motion for a resolution

L. whereas revelations showed two categories of spyware targets in Spain; whereas the first includes the Prime Minister and the Minister of Defence that are believed to be spied upon by Morocco; whereas the second concerns *some 65 victims referred to as ‘CatalanGate’* including Catalan parliamentarians, Members of Parliament, *lawyers and civil society actors*; whereas the Spanish authorities admitted in May 2020 to targeting 18 *of those 65 victims* with court authorisation, however, they have refrained from providing further information, invoking national security;

Amendment

L. whereas revelations showed two categories of spyware targets in Spain; whereas the first includes the Prime Minister and the Minister of Defence that are believed to be spied upon by Morocco; whereas the second concerns *the investigations on the case on the attempted coup d'etat in Spain in 2017*, including Catalan parliamentarians, Members of Parliament, *and other citizens connected to the case*; whereas the Spanish authorities admitted in May 2020 to targeting 18 *individuals* with court authorisation, however, they have refrained from providing further information, invoking national security;

Or. en

Amendment 89

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Recital L

Draft motion for a resolution

L. whereas revelations showed two categories of spyware targets in Spain; whereas the first includes the Prime Minister and the Minister of Defence that are believed to be spied upon by Morocco; whereas the second concerns some 65 victims referred to as ‘CatalanGate’ including Catalan parliamentarians, Members of Parliament, lawyers and civil society actors; whereas the Spanish authorities admitted in May 2020 to targeting 18 of those 65 victims with court authorisation, however, they have refrained from providing further information, invoking national security;

Amendment

L. whereas revelations showed two categories of spyware targets in Spain; whereas the first includes the Prime Minister and the Minister of Defence that are believed to be spied upon by Morocco; whereas the second concerns some 65 victims referred to as ‘CatalanGate’ including Catalan parliamentarians, Members of Parliament, lawyers, *academics* and civil society actors; whereas the Spanish authorities admitted in May 2020 to targeting 18 of those 65 victims with court authorisation, however, they have refrained from providing further information, invoking national security;

Or. en

Amendment 90

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Recital L a (new)

Draft motion for a resolution

Amendment

L a. whereas the Regulation (EU) 2016/679 clearly covers the cases where a person (“processor”) acts on behalf of another entity (“controller”), such as a public authority, where the controller is fully liable for any actions taken by a processor on their behalf; whereas the Greek government has passed a Law (5002/2022) which makes it absolutely impossible for a victim of surveillance to be informed ,as it stipulates that victims of surveillance will be able to request the competent authorities to be informed on whether they have been monitored, only three years after the termination of their surveillance while, (incompatible with the jurisprudence of the European Court), at the same time, the monitoring archives will be automatically destroyed within six months (compared to 2 years previously in force);, whereas that the list of persons placed under surveillance by the Predator and by the EYP and the fact that the leadership of the armed forces was monitored, demolishes the pretext of "National Security" that is invoked for the surveillances;

Or. en

Amendment 91

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital M

Draft motion for a resolution

M. whereas ***there are allegations of the Cyprus government party spying on critics, but so far no spyware*** infections have been detected; whereas Cyprus ***is an important European export hub for the surveillance industry and an attractive location for companies selling surveillance technologies***;

Amendment

M. whereas ***no*** infections ***of spyware*** have been detected ***in Cyprus***; whereas ***according to the government of Cyprus claims that there are ten spyware*** industry companies;

Or. en

Amendment 92

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Recital M

Draft motion for a resolution

M. whereas there are allegations of ***the Cyprus government party spying on critics***, but so far no spyware infections have been detected; whereas Cyprus is an important European export hub for the surveillance industry and an attractive location for companies selling surveillance technologies;

Amendment

M. whereas there are allegations of ***spying in Cyprus***, but so far no spyware infections have been detected; whereas Cyprus is an important European export hub for the surveillance industry and an attractive location for companies selling surveillance technologies;

Or. fr

Amendment 93

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital N

Draft motion for a resolution

N. whereas there are strong indications ***of among others the governments of Morocco and Ruanda targeting Union citizens*** with spyware, including the

Amendment

N. whereas there are strong indications ***that high profile official have been targeted*** with spyware, including the President of France, the Prime Minister,

President of France, the Prime Minister **and Defence** Minister of Spain, the then Prime Minister of Belgium, the former President of the Commission and former Prime Minister of Italy, **and** the daughter of Paul Rusesabagina;

Minister **of Defence and Minister of the Interior** of Spain, the then Prime Minister of Belgium, the former President of the Commission and former Prime Minister of Italy; **whereas there are strong indicators that high profile individuals like** the daughter of Paul Rusesabagina **have also been targeted**;

Or. en

Amendment 94

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Recital N

Draft motion for a resolution

N. whereas there are strong indications of among others the governments of Morocco and Ruanda targeting Union citizens with spyware, including the President of France, the Prime Minister and Defence Minister of Spain, the then Prime Minister of Belgium, the former President of the Commission and former Prime Minister of Italy, and the daughter of Paul Rusesabagina;

Amendment

N. whereas there are strong indications of among others the governments of Morocco and Ruanda targeting Union citizens with spyware, including the President of France, the Prime Minister and Defence Minister of Spain, the then Prime Minister of Belgium, the former President of the Commission and former Prime Minister of Italy, and **Carine Kanimba**, the daughter of Paul Rusesabagina;

Or. en

Amendment 95

Ibán García Del Blanco, Juan Fernando López Aguilar

Draft motion for a resolution

Recital O

Draft motion for a resolution

O. whereas it **can be safely assumed that all** Member States have purchased or used one or more spyware systems; whereas most governments will refrain from illegitimate use of spyware, **but in** the

Amendment

O. whereas it **is the prerogative of the** Member States **to define their essential security interests and to adopt appropriate measures to ensure their internal security, including the right to equip themselves**

absence of a solid legal framework including safeguards and oversight, the risk of abuse *is very high*;

with the necessary surveillance tools to be deployed in compliance with the applicable legal framework; whereas Member States may have purchased or used one or more surveillance spyware systems; whereas most governments will refrain from illegitimate use of surveillance spyware; whereas the absence of a solid legal framework including safeguards and oversight increases the risk of abuse on the use of surveillance spyware technologies;

Or. en

Amendment 96

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez, Jörgen Warborn

Draft motion for a resolution

Recital O

Draft motion for a resolution

O. *whereas it can be safely assumed that all Member States have purchased or used one or more spyware systems;* whereas most governments will refrain from illegitimate use of spyware, but *in* the absence of a solid legal framework including safeguards and oversight, the risk of abuse *is very high*;

Amendment

O. whereas most governments will refrain from illegitimate use of spyware, but the absence of a solid legal framework including safeguards and oversight *increases* the risk of abuse;

Or. en

Amendment 97

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Recital O

Draft motion for a resolution

O. whereas it can be safely assumed that all Member States have purchased or used one or more spyware systems;

Amendment

O. whereas it can be safely assumed that all Member States have purchased or used one or more spyware systems;

whereas most governments will refrain from illegitimate use of spyware, but in the absence of a solid legal framework including safeguards and oversight, the risk of abuse is very high;

whereas most governments will refrain from illegitimate use of spyware, but in the absence of a solid legal framework including safeguards and oversight, ***and in light of technical challenges to detect and trace infections***, the risk of abuse is very high;

Or. en

Amendment 98

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Recital O

Draft motion for a resolution

O. whereas it can be safely assumed that all Member States have purchased or used one or more spyware systems; whereas most governments will refrain from illegitimate use of spyware, but ***in the absence of a solid legal framework including safeguards and oversight***, the risk of abuse is very high;

Amendment

O. whereas it can be safely assumed that all Member States have purchased or used one or more spyware systems; whereas most governments will refrain from illegitimate use of spyware, but the risk of abuse is very high;

Or. en

Amendment 99

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital O a (new)

Draft motion for a resolution

O a. whereas most governments in the European Union will refrain from illegitimate use of spyware, but in the absence of a solid legal framework including safeguards and oversight, the risk of abuse is plausible;

Amendment

Amendment 100

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Recital P

Draft motion for a resolution

P. whereas the Member State governments and Member State parliaments have not provided Parliament with meaningful information about the legal frameworks governing the use of spyware in their Member States beyond what was already publicly known, ***despite an obligation to do so pursuant to Article 3, paragraph 4 of the Decision of the European Parliament, the Council and the Commission of 6 March 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry***; whereas it is difficult to assess the enforcement of Union legislation and the safeguards, oversight, and means of redress ***which prevents the adequate protection of citizen's fundamental rights***;

Amendment

P. whereas the Member State governments and Member State parliaments have not provided Parliament with meaningful information about the legal frameworks governing the use of spyware in their Member States beyond what was already publicly known; whereas it is difficult to assess the enforcement of Union legislation and the safeguards, oversight, and means of redress;

Amendment 101

Ibán García Del Blanco, Juan Fernando López Aguilar

Draft motion for a resolution

Recital P

Draft motion for a resolution

P. whereas ***the Member State governments and Member State parliaments have not provided*** Parliament ***with meaningful information about the legal frameworks governing the use of***

Amendment

P. whereas Parliament ***has exercised its right of inquiry*** pursuant to Article 3, paragraph 4 of the Decision of the European Parliament, the Council and the Commission of 6 March 1995; ***whereas a***

spyware in their Member States beyond what was already publicly known, despite an obligation to do so pursuant to Article 3, paragraph 4 of the Decision of the European Parliament, the Council and the Commission of 6 March 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry; whereas it is difficult to assess the enforcement of Union legislation and the safeguards, oversight, and means of redress which prevents the adequate protection of citizen's fundamental rights;

number of Member State governments and Member State parliaments within their capabilities have provided Parliament with information about the legal frameworks governing the use of surveillance spyware in their Member States;

Or. en

Amendment 102

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution Recital P

Draft motion for a resolution

P. whereas *the* Member State governments and Member State parliaments have *not* provided Parliament with meaningful information about the legal frameworks governing the use of spyware in their Member States beyond what was already publicly known, despite an obligation to do so pursuant to Article 3, paragraph 4 of the Decision of the European Parliament, the Council and the Commission of 6 March 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry; whereas it is difficult to assess the enforcement of Union legislation and the safeguards, oversight, and means of redress which prevents the adequate protection of citizen's fundamental rights;

Amendment

P. whereas *only a few* Member State governments and Member State parliaments have provided Parliament with meaningful information about the legal frameworks governing the use of spyware in their Member States beyond what was already publicly known, despite an obligation to do so pursuant to Article 3, paragraph 4 of the Decision of the European Parliament, the Council and the Commission of 6 March 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry; whereas it is difficult to assess the enforcement of Union legislation and the safeguards, oversight, and means of redress which prevents the adequate protection of citizen's fundamental rights *notwithstanding the cases in which provisions have been made for independent authorities to verify the legality of procedures, as it was the case*

in Spain;

Or. en

Amendment 103

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Recital P

Draft motion for a resolution

P. whereas the Member State governments and Member State parliaments have not provided Parliament with meaningful information about the legal frameworks governing the use of spyware in their Member States beyond what was already publicly known, despite an obligation to do so pursuant to Article 3, paragraph 4 of the Decision of the European Parliament, the Council and the Commission of 6 March 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry; whereas it is difficult to assess the enforcement of Union legislation and the safeguards, oversight, and means of redress which prevents the adequate protection of citizen's fundamental rights;

Amendment

P. whereas the Member State governments and Member State parliaments have not provided Parliament with meaningful information about the legal frameworks governing the use of spyware in their Member States beyond what was already publicly known, despite an obligation to do so ***except where grounds of secrecy or public or national security prevent them,*** pursuant to Article 3, paragraph 4 of the Decision of the European Parliament, the Council and the Commission of 6 March 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry; whereas it is difficult to assess the enforcement of Union legislation and the safeguards, oversight, and means of redress which prevents the adequate protection of citizen's fundamental rights;

Or. fr

Amendment 104

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Recital P

Draft motion for a resolution

P. whereas the Member State governments and Member State

Amendment

P. whereas the Member State governments and Member State

parliaments have not provided Parliament with meaningful information about the legal frameworks governing the use of spyware in their Member States beyond what was already publicly known, despite an obligation to do so pursuant to Article 3, paragraph 4 of the Decision of the European Parliament, the Council and the Commission of 6 March 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry; whereas it is difficult to assess the enforcement of Union legislation and the safeguards, oversight, and means of redress which prevents the adequate protection of citizen's fundamental rights;

parliaments have not provided ***the European*** Parliament with meaningful information about the legal frameworks governing the use of spyware in their Member States beyond what was already publicly known, despite an obligation to do so pursuant to Article 3, paragraph 4 of the Decision of the European Parliament, the Council and the Commission of 6 March 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry; whereas it is difficult to assess the enforcement of Union legislation and the safeguards, oversight, and means of redress which prevents the adequate protection of citizen's fundamental rights;

Or. en

Amendment 105

Hannes Heide, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Recital P

Draft motion for a resolution

P. whereas ***the*** Member State governments and Member State parliaments have not provided Parliament with meaningful information about the legal frameworks governing the use of spyware in their Member States beyond what was already publicly known, despite an obligation to do so pursuant to Article 3, paragraph 4 of the Decision of the European Parliament, the Council and the Commission of 6 March 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry; whereas it is difficult to assess the enforcement of Union legislation and the safeguards, oversight, and means of redress which prevents the adequate protection of citizen's fundamental rights;

Amendment

P. whereas ***most*** Member State governments and Member State parliaments have not provided Parliament with meaningful information about the legal frameworks governing the use of spyware in their Member States beyond what was already publicly known, despite an obligation to do so pursuant to Article 3, paragraph 4 of the Decision of the European Parliament, the Council and the Commission of 6 March 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry; whereas it is difficult to assess the enforcement of Union legislation and the safeguards, oversight, and means of redress which prevents the adequate protection of citizen's fundamental rights;

Amendment 106

Hannes Heide, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Recital P a (new)

Draft motion for a resolution

Amendment

***P a. whereas Art.4 (3) TEU reads
"Pursuant to the principle of sincere
cooperation, the Union and the Member
States shall, in full mutual respect, assist
each other in carrying out tasks which
flow from the Treaties";***

Amendment 107

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital Q

Draft motion for a resolution

Amendment

**Q. whereas several key figures from
the spyware industry have acquired
Maltese citizenship *in order to be able to
operate freely* within *and from* the Union;**

**Q. whereas several key figures from
the spyware industry have acquired
Maltese citizenship, *which facilitates their
operations* within the Union;**

Amendment 108

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé
on behalf of the Verts/ALE Group

Draft motion for a resolution

Recital Q a (new)

Draft motion for a resolution

Amendment

Q a. ***whereas the purchase and hoarding of zero-day vulnerabilities by Member States contradicts the Union's aim to raise the level of cybersecurity in the EU, as expressed in the NIS 2 Directive;***

Or. en

Amendment 109

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital R

Draft motion for a resolution

R. whereas ***different*** spyware vendors are or have been registered in one or more Member States; whereas examples include NSO Group with corporate presence in Luxembourg, Cyprus, the Netherlands and Bulgaria, the parent company of Intellexa, Thalestris Limited, in Ireland, Greece, Switzerland and Cyprus, DSIRF in Austria, Amesys and Nexa Technologies in France, Tykelab and RCS Lab in Italy, and FinFisher (now defunct) in Germany;

Amendment

R. whereas ***multiple*** spyware ***developers and*** vendors are or have been registered in one or more Member States; whereas examples include NSO Group with corporate presence in Luxembourg, Cyprus, the Netherlands and Bulgaria, the parent company of Intellexa, Thalestris Limited, in Ireland, Greece, Switzerland and Cyprus, DSIRF in Austria, Amesys and Nexa Technologies in France, Tykelab and RCS Lab in Italy, and FinFisher (now defunct) in Germany;

Or. en

Amendment 110

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital S

Draft motion for a resolution

S. whereas ***all Member States but***

Amendment

S. whereas ***the European Union does***

Cyprus are participating in the Wassenaar Arrangement for controlling conventional arms and dual-use goods and technologies;

not participate in the Wassenaar Arrangement for controlling conventional arms and dual-use goods and technologies; ***whereas all Member States but Cyprus are participating in the Wassenaar Arrangement; whereas Cyprus is bound by EU regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (Dual-Use Regulation);***

Or. en

Amendment 111

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Recital S a (new)

Draft motion for a resolution

Amendment

S a. whereas although Cyprus has long submitted a request to join the Wassenaar Arrangement, it does not participate in it due to Turkey's long-standing veto against Cyprus. Whereas the competent bodies of the European family have not sufficiently supported the request of Cyprus for its inclusion in the said Arrangement.

Or. en

Amendment 112

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital V

Draft motion for a resolution

Amendment

V. whereas spyware producers exporting to third countries establish themselves within the Union to gain

V. whereas exports from the Union to totalitarian regimes or non-state actors are taking place, in violation of the EU export

respectability while trading in spyware to totalitarian regimes; whereas exports from the Union to totalitarian regimes or non-state actors are taking place, in violation of the EU export rules on *surveillance technologies*;

rules on *intrusion software*;

Or. en

Amendment 113

Hannes Heide, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Recital V

Draft motion for a resolution

V. whereas spyware producers exporting to third countries establish themselves within the Union to gain respectability while trading in spyware to *totalitarian* regimes; whereas exports from the Union to *totalitarian* regimes or non-state actors are taking place, in violation of the EU export rules on surveillance technologies;

Amendment

V. whereas spyware producers exporting to third countries establish themselves within the Union to gain respectability while trading in spyware to *autocratic* regimes; whereas exports from the Union to *autocratic* regimes or non-state actors are taking place, in violation of the EU export rules on surveillance technologies;

Or. en

Amendment 114

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital W

Draft motion for a resolution

W. whereas Amesys and Nexa Technologies are currently being prosecuted in France for exporting surveillance technology to Libya, Egypt, and Saudi Arabia; whereas Intellexa companies based in Greece reportedly

Amendment

W. whereas Amesys and Nexa Technologies are currently being prosecuted in France for exporting surveillance technology to Libya, Egypt, and Saudi Arabia; whereas Intellexa companies based in Greece reportedly

exported their products to Bangladesh, Sudan, Madagascar and at least one Arab country, FinFisher's software is being used by dozens of countries all over the world, including Angola, Bahrain, Bangladesh, Egypt, Ethiopia, Gabon, Jordan, Kazakhstan, Myanmar, Oman, Qatar, Saudi Arabia, Turkey and Morocco's intelligence services have been accused of using Pegasus spyware against journalists and politicians by Amnesty and Forbidden Stories; *whereas it is unknown if export licences were granted for the export of spyware to all these countries;*

exported their products to Bangladesh, Sudan, Madagascar and at least one Arab country, FinFisher's software is being used by dozens of countries all over the world, including Angola, Bahrain, Bangladesh, Egypt, Ethiopia, Gabon, Jordan, Kazakhstan, Myanmar, Oman, Qatar, Saudi Arabia, Turkey and Morocco's intelligence services have been accused of using Pegasus spyware against journalists and politicians by Amnesty and Forbidden Stories;

Or. en

Amendment 115

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Recital W

Draft motion for a resolution

W. whereas Amesys and Nexa Technologies are currently being prosecuted in France for exporting surveillance technology to Libya, Egypt, and Saudi Arabia; whereas Intellexa companies based in Greece reportedly exported their products to Bangladesh, Sudan, Madagascar and at least one Arab country, FinFisher's software is being used by dozens of countries all over the world, including Angola, Bahrain, Bangladesh, Egypt, Ethiopia, Gabon, Jordan, Kazakhstan, Myanmar, Oman, Qatar, Saudi Arabia, Turkey and Morocco's intelligence services have been accused of using Pegasus spyware against journalists and politicians by Amnesty and Forbidden Stories; whereas it is unknown if export licences were granted for the export of

Amendment

W. whereas Amesys and Nexa Technologies are currently being prosecuted in France for exporting surveillance technology to Libya, Egypt, and Saudi Arabia; whereas Intellexa companies based in Greece reportedly exported their products to Bangladesh, Sudan, Madagascar and at least one Arab country, FinFisher's software is being used by dozens of countries all over the world, including Angola, Bahrain, Bangladesh, Egypt, Ethiopia, Gabon, Jordan, Kazakhstan, Myanmar, Oman, Qatar, Saudi Arabia, Turkey and Morocco's intelligence services have been accused of using Pegasus spyware against journalists, *human rights defenders, civil society* and politicians by Amnesty and Forbidden Stories; whereas it is unknown if export licences were granted for the export of

spyware to all these countries;

spyware to all these countries;

Or. en

Amendment 116

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital X

Draft motion for a resolution

X. whereas ***the number of attendees at arms fairs and ISSWorld marketing spyware capabilities demonstrates the prevalence of*** third country providers of spyware and related products and services, a significant number of which are headquartered in Israel (e.g. NSO Group, Wintego, Quadream and Cellebrite), and reveals prominent producers in India (ClearTrail), the United Kingdom (BAe Systems and Black Cube) and the United Arab Emirates (DarkMatter), while the United States Entity List blacklisting spyware producers located in Israel (NSO Group and Candiru), Russia (Positive Technologies) and Singapore (Computer Security Initiative Consultancy PTE LTD.) ***further highlights the diversity of origin among spyware producers; whereas the fair is also attended by a wide range of European public authorities, including local police forces;***

Amendment

X. whereas ***multiple*** third country providers of spyware and related products and services ***operate on EU market***, a significant number of which are headquartered in Israel (e.g. NSO Group, Wintego, Quadream and Cellebrite), and reveals prominent producers in India (ClearTrail), the United Kingdom (BAe Systems and Black Cube) and the United Arab Emirates (DarkMatter), while the United States Entity List blacklisting spyware producers located in Israel (NSO Group and Candiru), Russia (Positive Technologies) and Singapore (Computer Security Initiative Consultancy PTE LTD.);

Or. en

Amendment 117

Carles Puigdemont i Casamajó

Draft motion for a resolution

Recital Y

Draft motion for a resolution

Y. whereas Member States claim that matters relating to national security fall outside of the Treaties as Article 4 (2) TEU provides that national security remains the sole responsibility of the Member States;

Amendment

Y. whereas Member States claim that matters relating to national security fall outside of the Treaties as Article 4 (2) TEU provides that national security remains the sole responsibility of the Member States; ***however, EU institutions do have instruments to protect the rule of law inside the Union;***

Or. en

Amendment 118

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Recital Y

Draft motion for a resolution

Y. whereas ***Member States claim that matters relating to national security fall outside of the Treaties as*** Article 4 (2) TEU provides that national security remains the sole responsibility of the Member States;

Amendment

Y. whereas Article 4 (2) TEU provides that national security remains the sole responsibility of the Member States;

Or. fr

Amendment 119

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital Y

Draft motion for a resolution

Y. whereas ***Member States claim*** that matters relating to national security ***fall outside of the Treaties as Article 4 (2) TEU provides that national security remains*** the sole responsibility of ***the*** Member States;

Amendment

Y. whereas ***Article 4 (2) TEU establishes*** that matters relating to national security ***are*** the sole responsibility of Member States;

Amendment 120

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Recital Y

Draft motion for a resolution

Y. whereas ***Member States claim that*** matters relating to national security fall outside of the Treaties as Article 4 (2) TEU provides that national security remains the sole responsibility of the Member States;

Amendment

Y. whereas matters relating to national security fall outside of the Treaties as Article 4 (2) TEU provides that national security remains the sole responsibility of the Member States;

Amendment 121

Ibán García Del Blanco, Juan Fernando López Aguilar

Draft motion for a resolution

Recital Y

Draft motion for a resolution

Y. whereas Member States ***claim that matters relating to*** national security fall outside of the Treaties as Article 4 (2) TEU provides that national security remains the sole responsibility of the Member States;

Amendment

Y. whereas Member States national security ***matters*** fall outside of the Treaties as Article 4 (2) TEU provides that national security remains the sole responsibility of the Member States;

Amendment 122

Christine Anderson

Draft motion for a resolution

Recital Z

Draft motion for a resolution

Amendment

Z. *whereas however, the CJEU has ruled (C-623/17) that ‘although it is for the Member States to define their essential security interests and to adopt appropriate measures to ensure their internal and external security, the mere fact that a national measure has been taken for the purpose of protecting national security cannot render EU law inapplicable and exempt the Member States from their obligation to comply with that law’;*

deleted

Or. de

Amendment 123

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Recital Z

Draft motion for a resolution

Z. *whereas however, the CJEU has ruled (C-623/17) that ‘although it is for the Member States to define their essential security interests and to adopt appropriate measures to ensure their internal and external security, the mere fact that a national measure has been taken for the purpose of protecting national security cannot render EU law inapplicable and exempt the Member States from their obligation to comply with that law’;*

Amendment

Z. *whereas however, the CJEU has ruled (C-623/17) that ‘although it is for the Member States to define their essential security interests and to adopt appropriate measures to ensure their internal and external security, the mere fact that a national measure has been taken for the purpose of protecting national security cannot render EU law inapplicable and exempt the Member States from their obligation to comply with that law’;*
whereas however, the issue of the application of individual provisions of EU law in areas falling within the exclusive competence of the Member States is not unambiguously and clearly defined;

Or. en

Amendment 124

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin

Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution
Recital Z

Draft motion for a resolution

Z. whereas **however**, the CJEU has ruled (C-623/17) that ‘although it is for the Member States to define their essential security interests and to adopt appropriate measures to ensure their internal and external security, the mere fact that a national measure has been taken for the purpose of protecting national security cannot render EU law inapplicable and exempt the Member States from their obligation to comply with that law’;

Amendment

Z. whereas the CJEU has ruled (C-623/17) that ‘although it is for the Member States to define their essential security interests and to adopt appropriate measures to ensure their internal and external security, the mere fact that a national measure has been taken for the purpose of protecting national security cannot render EU law inapplicable and exempt the Member States from their obligation to comply with that law’;

Or. en

Amendment 125

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution
Recital Z a (new)

Draft motion for a resolution

Amendment

Z a. whereas Article 51 of the Charter indicates that its provisions are addressed to the Member States only when they are implementing Union law and it clarifies that the Charter does not extend the field of application of Union law beyond the powers of the Union; whereas Article 52(1) of the Charter lays down the conditions for the limitation of the exercise of those rights, namely that the limitation must i) be provided for by law, ii) respect the essence of those, iii) be subject to the principle of proportionality, iv) only imposed if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of

others;

Or. en

Amendment 126
Ivo Hristov

Draft motion for a resolution
Recital Z a (new)

Draft motion for a resolution

Amendment

Z a. whereas the application of the Union's law to the use of spyware for national security purposes is largely limited due to the exclusion of national security from the scope of GDPR and ePrivacy Directive;

Or. en

Amendment 127
Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution
Recital Z b (new)

Draft motion for a resolution

Amendment

Z b. whereas Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) does not apply to activities which fall outside the scope of the Treaty establishing the European Community, such as those covered by Titles V and VI of the Treaty on European Union, and in any case to activities concerning public security, defence, State security (including the economic well-being of the State when

the activities relate to State security matters) and the activities of the State in areas of criminal law;

Or. en

Amendment 128

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Recital AB a (new)

Draft motion for a resolution

Amendment

AB a. whereas the case-law of the ECtHR establishes that all surveillance must occur in accordance with the law, serve a legitimate aim and be necessary and proportionate. Moreover, the legal framework must provide precise, effective, and comprehensive safeguards on the ordering, execution and potential redress opportunities against surveillance measures, which must be subject to adequate judicial review and effective oversight^{19a};

^{19a}

https://www.echr.coe.int/documents/fs_mass_surveillance_eng.pdf

Or. en

Amendment 129

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Recital AD

Draft motion for a resolution

Amendment

AD. whereas use of surveillance spyware for the prevention, investigation,

deleted

detection or prosecution of criminal offences and the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security, falls within the scope of EU law;

Or. en

Amendment 130
Lucia Vuolo

Draft motion for a resolution
Recital AD

Draft motion for a resolution

AD. whereas use of surveillance spyware for the prevention, investigation, detection or prosecution of criminal offences and the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security, falls within the scope of EU law;

Amendment

AD. whereas use of surveillance spyware for the prevention, investigation, detection or prosecution of criminal offences and the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security, falls within the scope of EU law, ***expects the Commission to continue to step up its work in this area; in this regard, welcomes that the Commission has included in its proposal for the European Media Freedom Act a provision which significantly limits the use of spy software against media service providers, their employees and their families***

Or. en

Amendment 131
Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Andrzej Halicki

Draft motion for a resolution
Recital AD

Draft motion for a resolution

Amendment

AD. whereas use of surveillance spyware for the prevention, investigation, detection or prosecution of criminal offences and the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security, falls within the scope of EU law;

AD. whereas ***important aspects of the*** use of surveillance spyware for the prevention, investigation, detection or prosecution of criminal offences and the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security, falls ***also*** within the scope of EU law ***as indicated in Articles 4(2) and 5(3) of the TUE***;

Or. en

Amendment 132
Christine Anderson

Draft motion for a resolution
Recital AE

Draft motion for a resolution

AE. whereas the Charter lays down the conditions for the limitation of the exercise of fundamental rights: it must be provided for by law, respect the essence of the rights and freedoms concerned, be subject to the principle of proportionality, and only be imposed if it is necessary and genuinely meets objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others; whereas in the case of the use of spyware the level of interference with the right to privacy is so severe that the individual is in fact deprived of it and the use cannot be considered proportionate, irrespective of whether the measure can be deemed necessary to achieve the legitimate objectives of a democratic state;

Amendment

deleted

Or. de

Amendment 133
Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Recital AE

Draft motion for a resolution

AE. whereas the Charter lays down the conditions for the limitation of the exercise of fundamental rights: it must be provided for by law, respect the essence of the rights and freedoms concerned, be subject to the principle of proportionality, and only be imposed if it is necessary and genuinely meets objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others;
whereas in the case of the use of spyware the level of interference with the right to privacy is so severe that the individual is in fact deprived of it and the use cannot be considered proportionate, irrespective of whether the measure can be deemed necessary to achieve the legitimate objectives of a democratic state;

Amendment

AE. whereas the Charter lays down the conditions for the limitation of the exercise of fundamental rights: it must be provided for by law, respect the essence of the rights and freedoms concerned, be subject to the principle of proportionality, and only be imposed if it is necessary and genuinely meets objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others;

Or. en

Amendment 134

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Frances Fitzgerald, Juan Ignacio Zoido Álvarez

Draft motion for a resolution
Recital AE

Draft motion for a resolution

AE. whereas the Charter lays down the conditions for the limitation of the exercise of fundamental rights: it must be provided for by law, respect the essence of the rights and freedoms concerned, be subject to the principle of proportionality, and only be imposed if it is necessary and genuinely meets objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others;
whereas in the case of the use of spyware the level of interference with the right to

Amendment

AE. whereas the Charter lays down the conditions for the limitation of the exercise of fundamental rights: it must be provided for by law, respect the essence of the rights and freedoms concerned, be subject to the principle of proportionality, and only be imposed if it is necessary and genuinely meets objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others;

privacy is so severe that the individual is in fact deprived of it and the use cannot be considered proportionate, irrespective of whether the measure can be deemed necessary to achieve the legitimate objectives of a democratic state;

Or. en

Amendment 135

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution **Recital AF**

Draft motion for a resolution

AF. whereas the e-Privacy Directive provides that Member States must ensure the confidentiality of communications; *whereas the deployment of surveillance tools constitutes a restriction of the right to protection of terminal equipment afforded by the e-Privacy Directive; whereas this would place national laws on spyware within the scope of the e-Privacy Directive similar to national data retention laws; whereas regular deployment of intrusive spyware technology would not be compatible with the Union legal order;*

Amendment

AF. whereas the e-Privacy Directive provides that Member States must ensure the confidentiality of communications;

Or. en

Amendment 136

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution **Recital AF**

Draft motion for a resolution

AF. whereas the e-Privacy Directive

Amendment

AF. whereas the e-Privacy Directive

provides that Member States must ensure the confidentiality of communications; whereas the deployment of surveillance tools constitutes a restriction of the right to protection of terminal equipment afforded by the e-Privacy Directive; *whereas this would place national laws on spyware within the scope of the e-Privacy Directive similar to national data retention laws; whereas regular deployment of intrusive spyware technology would not be compatible with the Union legal order;*

provides that Member States must ensure the confidentiality of communications; whereas the deployment of surveillance tools constitutes a restriction of the right to protection of terminal equipment afforded by the e-Privacy Directive;

Or. en

Amendment 137

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital AG

Draft motion for a resolution

Amendment

AG. *whereas a state under international law only has the right to investigate potential crimes within its jurisdiction and has to resort to the assistance of other states where the investigation has to take place in other states unless there is a basis for conducting investigations in the other jurisdiction due to an international agreement, or in the case of Member States, in Union law;*

deleted

Or. en

Amendment 138

Christine Anderson, Mathilde Androuët, Gilles Lebreton

Draft motion for a resolution

Recital AG

Draft motion for a resolution

AG. whereas a state under international law only has the right to investigate potential crimes within its jurisdiction and has to resort to the assistance of other states where the investigation has to take place in other states unless there is a basis for conducting investigations in the other jurisdiction due to an international agreement, or in the case of Member States, in Union law;

Amendment

AG. whereas a state under international law only has the right to investigate potential crimes within its jurisdiction and has to resort to the assistance of other states where the investigation has to take place in other states unless there is a basis for conducting investigations in the other jurisdiction due to an international agreement, or in the case of Member States, in Union law, ***insofar as this is compatible with national law and of use in solving the case concerned;***

Or. de

Amendment 139

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Recital AG a (new)

Draft motion for a resolution

Amendment

AG a. whereas there is proof of cross border hacking with Pegasus and other spywares among Member States; whereas reciprocal judicial scrutiny of cross border data-gathering measures has to be systematically ensured within the EU; whereas the systematic ex ante involvement of competent judicial authorities in the country of issuing as well as in the country of execution of a cross-border data-gathering decision is essential to maintain trust within an EU criminal justice area based on the rule of law

Or. en

Amendment 140

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital AH

Draft motion for a resolution

Amendment

AH. *whereas the infection of a device with spyware and the subsequent collection of data takes place through the servers of the mobile service provider, and as the free roaming within the Union has resulted in persons more often having mobile contracts from other Member States than the one in which they live, a legal base for the collection of data in the other Member State through the use of spyware is currently absent in Union law;* **deleted**

Or. en

Amendment 141

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Recital AH

Draft motion for a resolution

Amendment

AH. *whereas the infection of a device with spyware and the subsequent collection of data takes place through the servers of the mobile service provider, and as the free roaming within the Union has resulted in persons more often having mobile contracts from other Member States than the one in which they live, a legal base for the collection of data in the other Member State through the use of spyware is currently absent in Union law;*

AH. *whereas the infection of a device with spyware and the subsequent collection of data takes place through the servers of the mobile service provider, and as the free roaming within the Union has resulted in persons more often having mobile contracts from other Member States than the one in which they live;*

Or. en

Amendment 142

Hannes Heide, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Recital AH

Draft motion for a resolution

AH. whereas the infection of a device with spyware and the subsequent collection of data takes place through the servers of the mobile service provider, and as the free roaming within the Union has resulted in persons ***more often*** having mobile contracts from other Member States than the one in which they live, a legal base for the collection of data in the other Member State through the use of spyware is currently absent in Union law;

Amendment

AH. whereas the infection of a device with spyware and the subsequent collection of data takes place through the servers of the mobile service provider, and as the free roaming within the Union has resulted in persons ***sometimes*** having mobile contracts from other Member States than the one in which they live, a legal base for the collection of data in the other Member State through the use of spyware is currently absent in Union law;

Or. en

Amendment 143

Sophia in 't Veld

Draft motion for a resolution

Recital AH a (new)

Draft motion for a resolution

Amendment

AH a. whereas the former UN Special Rapporteur on the promotion and protection of the right to freedom of expression David Kaye^{15a}, and current UN Special Rapporteur on the promotion and protection of the right to freedom of expression Irene Khan^{15b} call for an immediate moratorium on the use, transfer and sale of surveillance tools until rigorous human rights safeguards are put in place to regulate practices and guarantee that Governments and non-State actors use the tools in legitimate ways;

^{15a} *United Nations. Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye. A/HRC/41/35, 2019.*

^{15b} *OHCHR. Spyware scandal: UN experts call for moratorium on sale of 'life threatening' surveillance tech.*

Or. en

Amendment 144

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Recital AI a (new)

Draft motion for a resolution

Amendment

AI a. whereas EDPS has underlined that Member States have to respect the European Convention on Human Rights and the jurisprudence of the European Court of Human rights, which sets limits to surveillance activities for national security. Furthermore, when used for law enforcement purposes, surveillance has to comply with EU law and notably the EU Charter of Fundamental Rights and by EU directives such as the ePrivacy directive and the law enforcement directive;

Or. en

Amendment 145

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital AJ

Draft motion for a resolution

Amendment

AJ. *whereas it has been reported that large financial institutions have tried to incite spyware producers to refrain from applying appropriate human rights standards and due diligence and continue selling spyware to totalitarian regimes;*

deleted

Or. en

Amendment 146

Hannes Heide, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Recital AJ

Draft motion for a resolution

AJ. *whereas it has been reported that large financial institutions have tried to incite spyware producers to refrain from applying appropriate human rights standards and due diligence and continue selling spyware to **totalitarian** regimes;*

Amendment

AJ. *whereas it has been reported that large financial institutions have tried to incite spyware producers to refrain from applying appropriate human rights standards and due diligence and continue selling spyware to **autocratic** regimes;*

Or. en

Amendment 147

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Recital AK

Draft motion for a resolution

AK. *whereas Israel participates in Union research programmes since 2000; whereas funds have been made available to Israeli military and security companies through these European Programmes;*

deleted

Amendment

Or. en

Amendment 148

Hannes Heide, Ivo Hristov, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Recital AK

Draft motion for a resolution

AK. whereas Israel participates in Union research programmes since 2000; ***whereas funds have been made available to Israeli military and security companies through these European Programmes;***

Amendment

AK. whereas Israel participates in Union research programmes since 2000;

Or. en

Amendment 149

Sophia in 't Veld

Draft motion for a resolution

Paragraph 1

Draft motion for a resolution

1. Highlights the undeniable importance of protection of privacy ***and*** the right to dignity and private life in an increasingly digital world where more and more of our activities take place online;

Amendment

1. Highlights the undeniable importance of protection of privacy, the right to dignity and private life ***as well as other individual rights such as the right to freedom of speech, association and assembly*** in an increasingly digital world where more and more of our activities take place online;

Or. en

Amendment 150

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 1

Draft motion for a resolution

1. Highlights the undeniable

Amendment

1. Highlights the undeniable

importance of protection of privacy and the right to dignity and private life in an increasingly digital world where more and more of our activities take place online;

importance of protection of privacy, ***freedom of expression and information and freedom of assembly and association*** and the right to dignity and private life, ***in particular*** in an increasingly digital world where more and more of our activities take place online;

Or. en

Amendment 151

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Andrzej Halicki, Frances Fitzgerald, Juan Ignacio Zoido Álvarez

Draft motion for a resolution Paragraph 1

Draft motion for a resolution

1. Highlights the undeniable importance of protection of privacy ***and*** the right to dignity and private life in an increasingly digital world where more and more of our activities take place online;

Amendment

1. Highlights the undeniable importance of protection of privacy, the right to dignity and private life, ***right to family life, freedom of expression, freedom of information, right to a fair trial*** in an increasingly digital world where more and more of our activities take place online;

Or. en

Amendment 152

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé
on behalf of the Verts/ALE Group

Draft motion for a resolution Paragraph 2

Draft motion for a resolution

2. Takes the firm position that breaches of the right to dignity, privacy and private life is not only a question of respect for the common legal principles set

Amendment

2. Takes the firm position that breaches of the right to dignity, privacy and private life is not only a question of respect for the common legal principles set

out in the Treaties and in other sources but a fundamental question of whether future human life will be free and democratic or controlled by digital processes;

out in the Treaties and in other sources but a fundamental question of whether future human life will be free and democratic or controlled by digital processes; ***notes that democracy itself is at stake, as the use of spyware on civil society and journalists has a chilling effect and severely affects the right to peaceful assembly, freedom of expression and public participation;***

Or. en

Amendment 153

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution Paragraph 2

Draft motion for a resolution

2. Takes the firm position that ***breaches of the right to dignity, privacy and private life is not only a question of respect for the common legal principles set out in the Treaties and in other sources but a fundamental question of whether future human life will be free and democratic or controlled by digital processes;***

Amendment

2. Takes the firm position that ***fundamental rights and freedoms are key for the*** respect for the common legal principles set out in the Treaties;

Or. en

Amendment 154

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution Paragraph 2

Draft motion for a resolution

2. Takes the firm position that breaches of the right to dignity, privacy and private life ***is*** not only a question of respect for the common legal principles set

Amendment

2. Takes the firm position that breaches of the right to dignity, privacy and private life ***are*** not only a question of respect for the common legal principles set

out in the Treaties and in other sources but a fundamental question of whether future human life will be free and democratic or controlled by *digital processes*;

out in the Treaties and in other sources but a fundamental question of whether future human life will be free and democratic or controlled by *authoritarian governments*.

Or. en

Amendment 155

Hannes Heide, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Paragraph 3

Draft motion for a resolution

3. Strongly condemns the use of spyware by Member State governments or members of government for the purpose of monitoring, blackmailing, intimidating, manipulating and discrediting opposition and critics, eliminating democratic scrutiny and free press, *and* manipulating elections;

Amendment

3. Strongly condemns the use of spyware by Member State governments or members of government for the purpose of monitoring, blackmailing, intimidating, manipulating and discrediting opposition and critics, eliminating democratic scrutiny and free press, manipulating elections, *the appropriation and exploitation of sensitive personal data of citizens and confidential information of law firms and banks, and the undermining of the rule of law by targeting judges, prosecutors and lawyers by spyware*;

Or. en

Amendment 156

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 3

Draft motion for a resolution

3. Strongly condemns the use of spyware by Member State governments or members of government for the purpose of monitoring, blackmailing, intimidating, manipulating and discrediting opposition

Amendment

3. *Emphasizes that surveillance software is a tool for exercising power*; Strongly condemns the use of spyware by Member State governments or members of government for the purpose of monitoring,

and critics, eliminating democratic scrutiny and free press, and manipulating elections;

blackmailing, intimidating, manipulating and discrediting opposition and critics ***and civil society***, eliminating democratic scrutiny and free press, and manipulating elections;

Or. en

Amendment 157

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 3

Draft motion for a resolution

3. Strongly condemns the use of spyware by Member State governments or members of government for the purpose of monitoring, blackmailing, intimidating, manipulating and discrediting opposition and critics, eliminating democratic scrutiny and free press, ***and*** manipulating elections;

Amendment

3. Strongly condemns the use of spyware by Member State governments or members of government for the purpose of monitoring, blackmailing, intimidating, manipulating and discrediting opposition and critics, eliminating democratic scrutiny and free press, manipulating elections, ***and harassing civil society organisations***;

Or. en

Amendment 158

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Andrzej Halicki, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 3

Draft motion for a resolution

3. Strongly condemns the use of spyware by Member State governments ***or*** members of government for the purpose of monitoring, blackmailing, intimidating, manipulating and discrediting opposition and critics, eliminating democratic scrutiny and free press, and manipulating elections;

Amendment

3. Strongly condemns the use of spyware by Member State governments, members of government ***authorities or state institutions*** for the purpose of monitoring, blackmailing, intimidating, manipulating and discrediting opposition and critics, eliminating democratic scrutiny

and free press, and manipulating elections;

Or. en

Amendment 159

Carles Puigdemont i Casamajó

Draft motion for a resolution

Paragraph 3

Draft motion for a resolution

3. Strongly condemns the use of spyware by Member State governments or members of government for the purpose of monitoring, blackmailing, intimidating, manipulating and discrediting opposition **and** critics, eliminating democratic scrutiny and free press, and manipulating elections;

Amendment

3. Strongly condemns the use of spyware by Member State governments or members of government for the purpose of monitoring, blackmailing, intimidating, manipulating and discrediting opposition, critics, **and national minorities**, eliminating democratic scrutiny and free press, and manipulating elections;

Or. en

Amendment 160

Dominik Tarczyński, Beata Kempa

on behalf of the ECR Group

Draft motion for a resolution

Paragraph 3

Draft motion for a resolution

3. Strongly condemns the use of spyware by Member State governments or members of government for the purpose of monitoring, blackmailing, intimidating, manipulating and discrediting opposition and critics, eliminating democratic scrutiny and free press, and manipulating elections;

Amendment

3. Strongly condemns the **possible** use of spyware by Member State governments or members of government for the purpose of monitoring, blackmailing, intimidating, manipulating and discrediting opposition and critics, eliminating democratic scrutiny and free press, and manipulating elections;

Or. en

Amendment 161

Christine Anderson

Draft motion for a resolution
Paragraph 4

Draft motion for a resolution

4. Points out that this illegitimate use of spyware by national governments directly and indirectly affects the ***Union institutions and the*** decision making ***process***, thus undermining the integrity of European Union democracy;

Amendment

4. Points out that this illegitimate use of spyware by national governments directly and indirectly affects the ***dignity and international reputation of European governments in relation to*** decision making ***processes***, thus undermining the integrity of European Union democracy;

Or. de

Amendment 162
Ivo Hristov

Draft motion for a resolution
Paragraph 4

Draft motion for a resolution

4. Points out that this illegitimate use of spyware by national governments directly and indirectly affects the Union institutions and the decision making process, thus undermining the integrity of European Union democracy;

Amendment

4. Points out that this illegitimate use of spyware by national governments directly and indirectly affects the Union institutions and the decision making process, thus undermining the integrity of European Union democracy ***and fundamental values***;

Or. en

Amendment 163
Sophia in 't Veld

Draft motion for a resolution
Paragraph 4

Draft motion for a resolution

4. Points out that this illegitimate use of spyware by national governments

Amendment

4. Points out that this illegitimate use of spyware by national ***and third country***

directly and indirectly affects the Union institutions and the decision making process, thus undermining the integrity of European Union democracy;

governments directly and indirectly affects the Union institutions and the decision making process, thus undermining the integrity of European Union democracy;

Or. en

Amendment 164

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution **Paragraph 4**

Draft motion for a resolution

4. Points out that **this** illegitimate use of spyware by national governments directly and indirectly affects the Union institutions and the decision making process, thus undermining the integrity of European Union democracy;

Amendment

4. Points out that **the possible** illegitimate use of spyware by national governments **could** directly and indirectly affects the Union institutions and the decision making process, thus undermining the integrity of European Union democracy;

Or. en

Amendment 165

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Andrzej Halicki, Frances Fitzgerald, Juan Ignacio Zoido Álvarez

Draft motion for a resolution **Paragraph 4**

Draft motion for a resolution

4. Points out that this illegitimate use of spyware by national governments directly and indirectly affects the Union institutions and the decision making process, thus undermining the integrity of European Union democracy;

Amendment

4. Points out that this illegitimate use of spyware by **some** national governments directly and indirectly affects the Union institutions and the decision making process, thus undermining the integrity of European Union democracy;

Or. en

Amendment 166

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution Paragraph 5

Draft motion for a resolution

Amendment

5. Notes with grave concern the fundamental inadequacy of the current Union governance structure to respond to attacks on democracy from within the Union;

deleted

Or. en

Amendment 167

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution Paragraph 5

Draft motion for a resolution

Amendment

5. Notes with grave concern the fundamental inadequacy of the current Union governance structure to respond to attacks on democracy from within the Union;

5. Notes with grave concern the fundamental inadequacy of the current Union governance structure to respond to attacks on democracy *and the rule of law* from within the Union; *notes that when the rule of law is threatened in one member state then democracy is threatened throughout the EU;*

Or. en

Amendment 168

Hannes Heide, Birgit Sippel, Sylvie Guillaume, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution Paragraph 5

Draft motion for a resolution

5. Notes with grave concern the fundamental inadequacy of the current Union governance **structure** to respond to attacks on democracy from within the Union;

Amendment

5. Notes with grave concern the fundamental inadequacy of the current Union governance to respond to attacks on democracy from within the Union; ***notes that this state of affairs is due to the lack of action taken by many Member States;***

Or. en

Amendment 169

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Andrzej Halicki, Frances Fitzgerald, Juan Ignacio Zoido Álvarez

**Draft motion for a resolution
Paragraph 5 a (new)**

Draft motion for a resolution

Amendment

5 a. Recognises the effect that the erosion of the rule of law within the Union has on the ability of Union citizens to enjoy full protection of their fundamental rights, most notably the right to privacy;

Or. en

Amendment 170

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Andrzej Halicki, Frances Fitzgerald, Juan Ignacio Zoido Álvarez

**Draft motion for a resolution
Paragraph 5 b (new)**

Draft motion for a resolution

Amendment

5 b. Stresses that digital standards governing technological developments in the Union must respect fundamental rights;

Amendment 171
Ivo Hristov

Draft motion for a resolution
Paragraph 6

Draft motion for a resolution

6. Takes the firm position that the export of spyware from the Union to dictatorships and oppressive regimes with poor human-right records where such tools are used against human rights activists, journalist and government critics is a severe violation of fundamental rights enshrined in the Charter and a gross violation on Union export rules;

Amendment

6. Takes the firm position that the export of spyware from the Union to dictatorships and oppressive regimes with poor human-right records where such tools are used against human rights activists, journalist and government critics is a severe violation of fundamental rights enshrined in the Charter and a gross violation on Union export rules. ***Outlines the necessity to pay equal attention to imports of cyber surveillance items as well;***

Amendment 172
Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution
Paragraph 6

Draft motion for a resolution

6. Takes the firm position that the export of spyware from the Union to dictatorships and oppressive regimes with poor human-right records where such tools ***are*** used against human rights activists, journalist and government critics ***is*** a severe violation of fundamental rights enshrined in the Charter and a gross violation on Union export rules;

Amendment

6. Takes the firm position that the export of spyware from the Union to dictatorships and oppressive regimes with poor human-right records where such tools ***can be*** used against human rights activists, journalist and government critics ***can lead to*** a severe violation of fundamental rights enshrined in the Charter and a gross violation on Union export rules;

Amendment 173

Hannes Heide, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Paragraph 6

Draft motion for a resolution

6. Takes the firm position that the export of spyware from the Union to dictatorships and ***oppressive*** regimes with poor human-right records where such tools are used against human rights activists, journalist and government critics is a severe violation of fundamental rights enshrined in the Charter and a gross violation on Union export rules;

Amendment

6. Takes the firm position that the export of spyware from the Union to dictatorships and ***autocratic*** regimes with poor human-right records where such tools are used against human rights activists, journalist and government critics is a severe violation of fundamental rights enshrined in the Charter and a gross violation on Union export rules;

Or. en

Amendment 174

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 6 a (new)

Draft motion for a resolution

Amendment

6 a. Emphasizes the need for the global software market to be transparent;

Or. en

Amendment 175

Jorge Buxadé Villalba

Draft motion for a resolution

Paragraph 7

Draft motion for a resolution

Amendment

7. Is of the opinion that contraventions, or maladministration in

deleted

the implementation of Union law with regard to the use of, and trade in spyware, have taken place in Poland, Hungary, Greece, Spain and Cyprus;

Or. en

Amendment 176

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 7

Draft motion for a resolution

Amendment

7. Is of the opinion that
contraventions, or maladministration in the implementation of Union law with regard to the use of, and trade in spyware, have taken place in Poland, Hungary, Greece, Spain and Cyprus;

deleted

Or. en

Amendment 177

Hannes Heide, Ivo Hristov, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution
Paragraph 7

Draft motion for a resolution

Amendment

7. Is of the opinion that
contraventions, or maladministration in the implementation of Union law with regard to the use of, and trade in spyware, have taken place in Poland, Hungary, Greece, Spain and Cyprus;

7. Is of the opinion that the implementation of Union law with regard to the use of, and trade in *surveillance* spyware, *needs revision and improvement in all Member States;*

Or. en

Amendment 178

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 7

Draft motion for a resolution

7. Is of the opinion that contraventions, or maladministration in the implementation of Union law with regard to the use of, **and trade in** spyware, have taken place in Poland, Hungary, **Greece, Spain and Cyprus**;

Amendment

7. Is of the opinion that contraventions, or maladministration in the implementation of Union law with regard to the use of spyware, have taken place in Poland **and** Hungary;

Or. en

Amendment 179

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 7

Draft motion for a resolution

7. Is of the opinion that contraventions, or maladministration in the implementation of Union law with regard to the use of, and trade in spyware, have taken place in Poland, Hungary, Greece, **Spain** and Cyprus;

Amendment

7. Is of the opinion that contraventions, or maladministration in the implementation of Union law with regard to the use of, and trade in spyware, have taken place in Poland, Hungary, Greece and Cyprus;

Or. en

Amendment 180

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 7

Draft motion for a resolution

7. **Is of the opinion** that

Amendment

7. **Considers** that contraventions, or

contraventions, or maladministration in the implementation of Union law with regard to the use of, and trade in spyware, have taken place in Poland, Hungary, Greece, Spain and Cyprus;

maladministration in the implementation of Union law with regard to the use of, and trade in spyware, have taken place in Poland, Hungary, Greece, Spain and Cyprus;

Or. en

Amendment 181

Bart Groothuis, Róza Thun und Hohenstein, Ivars Ijabs

Draft motion for a resolution

Paragraph 8

Draft motion for a resolution

8. Expresses furthermore concern about the use of, and trade in spyware by other Member States, who collectively nurture the Union as a safe haven for the spyware industry, often in violation of Union laws and standards;

Amendment

8. Expresses furthermore concern about the ***illegitimate*** use of, and ***illicit*** trade in spyware by other Member States, who collectively nurture the Union as a safe haven for the spyware industry, often in violation of Union laws and standards;

Or. en

Amendment 182

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 8

Draft motion for a resolution

8. Expresses furthermore concern about the use of, and trade in spyware by other Member States, who collectively nurture the Union as a ***safe haven*** for the spyware industry, ***often in violation of Union laws and standards***;

Amendment

8. Expresses furthermore concern about the use of, and trade in spyware by other Member States, who collectively nurture the Union as a ***destination*** for the spyware industry;

Or. en

Amendment 183

Hannes Heide, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Paragraph 8

Draft motion for a resolution

8. Expresses furthermore concern about the use of, and trade in spyware by **other** Member States, who collectively nurture the Union as a safe haven for the spyware industry, often in violation of Union laws and standards;

Amendment

8. Expresses furthermore concern about the use of, and trade in spyware by Member States, who collectively nurture the Union as a safe haven for the spyware industry, often in violation of Union laws and standards;

Or. en

Amendment 184

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 8

Draft motion for a resolution

8. Expresses **furthermore** concern about the use of, and trade in spyware by **other** Member States, who collectively nurture the Union as a safe haven for the spyware industry, often in violation of Union laws and standards;

Amendment

8. Expresses concern about the use of, and trade in spyware by Member States, who collectively nurture the Union as a safe haven for the spyware industry, often in violation of Union laws and standards;

Or. en

Amendment 185

Christine Anderson

Draft motion for a resolution

Paragraph 9

Draft motion for a resolution

9. Is furthermore of the view that

Amendment

9. Is furthermore of the view that

government parties of third countries have targeted high profile personalities in the Union with spyware;

government parties of third countries have *allegedly* targeted high profile personalities in the Union with spyware, *always according to the own statements of the high profile personalities concerned and without this being confirmed or denied in published reports*

Or. de

Amendment 186

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 9

Draft motion for a resolution

9. Is furthermore of the view that government parties of third countries have targeted high profile personalities in the Union with spyware;

Amendment

9. Is furthermore of the view that government parties of third countries have targeted high profile personalities, *human rights defenders and journalists* in the Union with spyware;

Or. en

Amendment 187

Sophia in 't Veld

Draft motion for a resolution

Paragraph 9

Draft motion for a resolution

9. Is *furthermore of the view* that government parties of third countries have targeted high profile personalities in the Union with spyware;

Amendment

9. Is *concerned by the revelations* that government parties of third countries have targeted high profile personalities in the Union with spyware;

Or. en

Amendment 188

Hannes Heide, Sylvie Guillaume, Ivo Hristov, Ibán García Del Blanco, Juan Fernando

López Aguilar, Katarina Barley

**Draft motion for a resolution
Paragraph 9**

Draft motion for a resolution

9. *Is furthermore of the view that government parties of third countries have targeted* high profile personalities in the Union with spyware;

Amendment

9. *Expresses concern about the targeting of* high profile personalities in the Union with spyware, *allegedly by third country governments.*

Or. en

Amendment 189

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

**Draft motion for a resolution
Paragraph 9**

Draft motion for a resolution

9. *Is furthermore of the view* that government parties of third countries have targeted high profile personalities in the Union with spyware;

Amendment

9. *Suspects* furthermore that government parties of third countries have targeted high profile personalities in the Union with spyware;

Or. en

Amendment 190

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

**Draft motion for a resolution
Paragraph 10**

Draft motion for a resolution

10. Is equally concerned at the apparent reticence to investigate the spyware attacks, both if the suspect is a Union or third country government body; notes the very slow progress and lack of transparency in the judicial investigations into spyware attacks on government

Amendment

10. Is equally concerned at the apparent reticence to investigate the spyware attacks, both if the suspect is a Union or third country government body; notes the very slow progress and lack of transparency in the judicial investigations into spyware attacks on government

leaders and ministers of EU Member States;

leaders and ministers of EU Member States; *notes the lack of transparency, legal remedy and right to information for especially victims from civil society, journalists and opposition;*

Or. en

Amendment 191

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution **Paragraph 10**

Draft motion for a resolution

10. *Is equally concerned at the apparent reticence to investigate the spyware attacks, both if the suspect is a Union or third country government body;* notes the very slow progress *and lack of transparency* in the judicial investigations into spyware attacks on government leaders and ministers of EU Member States;

Amendment

10. Notes the very slow progress in the judicial investigations into spyware attacks on government leaders and ministers of EU Member States;

Or. en

Amendment 192

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution **Paragraph 10**

Draft motion for a resolution

10. Is equally concerned at the apparent reticence to investigate the spyware attacks, both if the suspect is a Union or third country government body; *notes the very slow progress and lack of transparency in the judicial investigations into spyware attacks on government*

Amendment

10. Is equally concerned at the apparent reticence to investigate the spyware attacks, both if the suspect is a Union or third country government body;

leaders and ministers of EU Member States;

Or. en

Amendment 193

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 10

Draft motion for a resolution

10. Is equally concerned at the apparent reticence to investigate the spyware attacks, both if the suspect is a Union or third country government body; notes the very slow progress and lack of transparency in the judicial investigations into spyware attacks on government leaders and ministers of EU Member States;

Amendment

10. Is equally concerned at the apparent reticence to investigate the spyware attacks, both if the suspect is a Union or third country government body; notes the very slow progress and lack of transparency in the judicial investigations into spyware attacks on government leaders and ministers of EU Member States *as well as on civil society members, journalists or political opponents;*

Or. en

Amendment 194

Hannes Heide, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Paragraph 10

Draft motion for a resolution

10. Is equally concerned at the apparent reticence to investigate the spyware attacks, both if the suspect is a Union or third country government body; notes the very slow progress and lack of transparency in the judicial investigations into spyware attacks on government leaders *and* ministers of EU Member

Amendment

10. Is equally concerned at the apparent reticence to investigate the spyware attacks, both if the suspect is a Union or third country government body; notes the very slow progress and lack of transparency in the judicial investigations into spyware attacks on government leaders, ministers of EU Member States

States;

and EU Commissioners;

Or. en

Amendment 195

Bart Groothuis, Róża Thun und Hohenstein, Ivars Ijabs, Dragoș Tudorache

Draft motion for a resolution

Paragraph 10

Draft motion for a resolution

10. Is equally concerned at the apparent reticence to investigate *the* spyware *attacks*, both if the suspect is a Union or third country government body; notes the very slow progress and lack of transparency in the judicial investigations into spyware *attacks on* government leaders and ministers of EU Member States;

Amendment

10. Is equally concerned at the apparent reticence to investigate spyware *abuse*, both if the suspect is a Union or third country government body; notes the very slow progress and lack of transparency in the judicial investigations into spyware *abuse of* government leaders and ministers of EU Member States;

Or. en

Amendment 196

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 10 a (new)

Draft motion for a resolution

Amendment

10 a. Notes that the legal framework of Member States do not adequately provide a precise, effective and comprehensive safeguards on the ordering, execution and potential redress mechanisms against surveillance measures; notes that such measures must serve a legitimate aim, and be necessary and proportionate;

Or. en

Amendment 197

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Frances Fitzgerald, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 10 a (new)

Draft motion for a resolution

Amendment

10 a. Notes with concern that non-EU countries that do not respect fundamental rights may seek influence over strategic infrastructure within the Union, such as telecommunications infrastructure;

Or. en

Amendment 198

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 10 b (new)

Draft motion for a resolution

Amendment

10 b. Acknowledges the difficult position in which Member State governments, the Council and the Commission might find themselves in to share all relevant and meaningful information when it pertains to the areas of national defence and national security, especially considering that some of this information is bound by strict legal requirements of secrecy; it nevertheless believes that new ways of inter-institutional cooperation must be agreed upon so that this information might be made more readily available, all while maintaining the strict legal requirements for secrecy that would be required by national law and afforded by Union law;

Or. en

Amendment 199

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 10 b (new)

Draft motion for a resolution

Amendment

10 b. Notes the worrying effects on fundamental rights such as right to dignity, privacy and private life; notes that the use of spyware on civil society, journalists and human rights defenders has a chilling effect on the enjoyment of the right to freedom of expression and rights of freedom of assembly, and violation to the effective participation in public life;

Or. en

Amendment 200

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 11

Draft motion for a resolution

Amendment

11. Condemns the refusal of Member State governments, the Council and the Commission, to fully cooperate with the inquiry and to share all relevant and meaningful information; considers the collective reply by the Council wholly inadequate and contrary to the principle of loyal cooperation;

deleted

Or. en

Amendment 201

Jorge Buxadé Villalba

Draft motion for a resolution

Paragraph 11

Draft motion for a resolution

Amendment

11. Condemns the refusal of Member State governments, the Council and the Commission, to fully cooperate with the inquiry and to share all relevant and meaningful information; considers the collective reply by the Council wholly inadequate and contrary to the principle of loyal cooperation;

deleted

Or. en

Amendment 202

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 11

Draft motion for a resolution

Amendment

11. Condemns the refusal of Member State governments, the Council and the Commission, to fully cooperate with the inquiry and to share all relevant and meaningful information; considers the collective reply by the Council wholly inadequate and contrary to the principle of loyal cooperation;

11. Deplores the failure by Member State governments, the Council and the Commission to fully cooperate with the inquiry;

Or. fr

Amendment 203

Ibán García Del Blanco, Juan Fernando López Aguilar

Draft motion for a resolution

Paragraph 11

Draft motion for a resolution

Amendment

11. Condemns the refusal of Member State governments, the Council and the Commission, to fully cooperate with the

11. Regrets the reluctance of Member State governments to fully cooperate with the inquiry, but understands the

inquiry *and* to share *all relevant and meaningful* information; considers the collective reply by the Council wholly inadequate and contrary to the principle of loyal cooperation;

limitations encountered by national authorities to share information *beyond their capabilities under existing home security legal frameworks*; considers the collective reply by the Council wholly inadequate and contrary to the principle of loyal cooperation;

Or. en

Amendment 204

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution Paragraph 11

Draft motion for a resolution

11. ***Condemns the refusal of*** Member State governments, the Council and the Commission, ***to*** fully cooperate with the inquiry and ***to*** share *all* relevant and meaningful information; considers the collective reply by the Council wholly inadequate and contrary to the principle of loyal cooperation;

Amendment

11. ***Considers that*** Member State governments, the Council and the Commission ***should*** fully cooperate with the inquiry and share relevant and meaningful information ***to help the inquiry committee fulfil its tasks stated in the mandate***; considers the collective reply by the Council wholly inadequate and contrary to the principle of loyal cooperation;

Or. en

Amendment 205

Hannes Heide, Birgit Sippel, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution Paragraph 11

Draft motion for a resolution

11. ***Condemns the refusal of*** Member State governments, the Council and the Commission, to fully cooperate with the inquiry and to share all relevant and

Amendment

11. ***Regrets the reluctance of*** Member State governments, the Council and the Commission, to fully cooperate with the inquiry and to share all relevant and

meaningful information; considers the collective reply by the Council wholly inadequate and contrary to the principle *of loyal* cooperation;

meaningful information *and* considers the collective reply by the Council wholly inadequate and contrary to the principle *sincere* cooperation *as stated in Art 4 (3) TEU*;

Or. en

Amendment 206

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 12

Draft motion for a resolution

Amendment

12. Concludes that no Member State, nor the Council, nor the Commission has any desire to shed light on the spyware scandal, thus knowingly protecting Union governments who violate human rights within and outside of the Union;

deleted

Or. fr

Amendment 207

Jorge Buxadé Villalba

Draft motion for a resolution

Paragraph 12

Draft motion for a resolution

Amendment

12. Concludes that no Member State, nor the Council, nor the Commission has any desire to shed light on the spyware scandal, thus knowingly protecting Union governments who violate human rights within and outside of the Union;

deleted

Or. en

Amendment 208

Lucia Vuolo

Draft motion for a resolution
Paragraph 12

Draft motion for a resolution

Amendment

12. Concludes that no Member State, nor the Council, nor the Commission has any desire to shed light on the spyware scandal, thus knowingly protecting Union governments who violate human rights within and outside of the Union;

deleted

Or. en

Amendment 209

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution
Paragraph 12

Draft motion for a resolution

Amendment

12. Concludes that *no* Member *State*, *nor* the Council, *nor* the Commission *has* any desire to shed light on the spyware scandal, thus knowingly protecting Union governments who violate human rights within and outside of the Union;

12. Concludes that *the extremely complex, multifaceted and uncertain origin of these threats has prevented a coordinated response from* Member States, the Council *and* the Commission, *hindering the creation of an adequate framework to ensure that the use, trade and design of* spyware *adapts to the requirements of* Union Law; *encourages all actors to enshrine this goal into their strategic planning;*

Or. en

Amendment 210

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 12

Draft motion for a resolution

12. Concludes that no Member State, nor the Council, nor the Commission has any desire to ***shed light on the spyware scandal***, thus knowingly protecting Union governments ***who violate human rights within and outside of the Union***;

Amendment

12. Concludes that no Member State, nor the Council, nor the Commission has any desire to ***cooperate with the PEGA Parliamentary Inquiry Committee***, thus knowingly protecting Union governments ***from excessive and incompatible with the Treaties Parliament's interference in the affairs of the Member States***;

Or. en

Amendment 211

Hannes Heide, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Paragraph 12

Draft motion for a resolution

12. ***Concludes that no Member State, nor the Council, nor the Commission has any desire to shed light on the spyware scandal, thus knowingly protecting Union governments who violate human rights within and outside of the Union***;

Amendment

12. ***Calls on the Member States and particularly the Council and the Commission to cooperate to shed light on the use of spyware within and outside of the Union***;

Or. en

Amendment 212

Dragoş Tudorache, Moritz Körner, Róza Thun und Hohenstein, Klemen Grošelj, Ramona Strugariu

Draft motion for a resolution

Paragraph 12

Draft motion for a resolution

12. Concludes that ***no*** Member State, ***nor*** the Council, ***nor*** the Commission ***has any desire to shed light on the spyware scandal, thus knowingly protecting Union***

Amendment

12. Concludes that ***the*** Member State, the Council, ***and*** the Commission ***provided insufficient information as to assist the inquiry committee in shedding light in the***

***governments who violate human rights
within and outside of the Union;***

spyware scandal;

Or. en

Amendment 213

Christine Anderson, Mathilde Androuët, Gilles Lebreton

Draft motion for a resolution

Paragraph 13

Draft motion for a resolution

Amendment

***13. Concludes that contraventions and
maladministration in the implementation
of Union law have taken place in Poland;*** *deleted*

Or. de

Amendment 214

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 13

Draft motion for a resolution

Amendment

***13. Concludes that contraventions and
maladministration in the implementation
of Union law have taken place in Poland;*** *deleted*

Or. en

Amendment 215

**Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin
Braunsberger-Reinhold, Frances Fitzgerald, Juan Ignacio Zoido Álvarez**

Draft motion for a resolution

Paragraph 13

Draft motion for a resolution

Amendment

13. Concludes that contraventions and maladministration in the implementation of Union law have taken place in Poland;

13. Concludes that *major* contraventions and maladministration in the implementation of Union law have taken place in Poland;

Or. en

Amendment 216

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 14

Draft motion for a resolution

Amendment

14. Calls on Poland to:

deleted

(a) urgently restore sufficient institutional and legal safeguards, including effective ex ante and ex post scrutiny as well as independent oversight mechanisms;

(b) comply with the ruling of the Constitutional Tribunal on the 1990 Police act;

(c) comply with the opinion of the Venice Commission on the 2016 Police act;

(d) comply with the various judgements of the ECtHR, like the judgement of the Roman Zakharov v. Russia case in 2015 that underlines the necessity for strict surveillance criteria, proper judicial authorisation and oversight, the immediate destruction of irrelevant data, judicial scrutiny over urgency procedures and a requirement for the notification of victims as well as the judgement in the Klass and others v. Germany case in 1978 that outlines that surveillance must be of sufficient importance to necessitate such an invasion of privacy;

(e) withdraw Article 168a of the rewritten Act Amending the Code of Criminal Procedure of 2016;

(f) restore full independence of the

judiciary and all relevant oversight bodies, such as the Ombudsman and the Data Protection Authorities, to ensure all oversight bodies get full cooperation and access to information and to provide full information to all victims;

(g) urgently install the random allocation of cases to the judges of the courts for every application that is submitted, even on the weekend and outside of normal business hours to avoid the selection of ‘friendly judges’ by the secret services;

(h) reinstate the traditional system of parliamentary oversight wherein the opposition party takes on the Chairmanship of the Parliamentary Oversight Committee for the Special Services (KSS);

(i) urge the Polish prosecutor to launch inquiries into the abuse of spyware;

(j) implement the Whistleblowers Directive;

(k) invite Europol to investigate all cases of alleged abuse of spyware;

Or. en

Amendment 217

Bartosz Arłukowicz, Andrzej Halicki, Radosław Sikorski, Vladimír Bilčík

Draft motion for a resolution

Paragraph 14 – point a

Draft motion for a resolution

(a) urgently restore sufficient institutional and legal safeguards, including effective ex ante and ex post scrutiny as well as independent oversight mechanisms;

Amendment

(a) urgently restore sufficient institutional and legal safeguards, including effective ex ante and ex post scrutiny as well as independent oversight mechanisms, *including judicial review of operational activities;*

Or. pl

Amendment 218

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Andrzej Halicki, Frances Fitzgerald, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 14 – point a

Draft motion for a resolution

(a) urgently restore sufficient institutional and legal safeguards, including effective ex ante and ex post scrutiny as well as independent oversight mechanisms;

Amendment

(a) urgently restore sufficient institutional and legal safeguards, including effective **binding** ex ante and ex post scrutiny as well as independent oversight mechanisms;

Or. en

Amendment 219

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 14 – point a

Draft motion for a resolution

(a) urgently **restore** sufficient institutional and legal safeguards, including effective ex ante and ex post scrutiny as well as independent oversight mechanisms;

Amendment

(a) urgently **establish** sufficient institutional and legal safeguards, including effective ex ante and ex post scrutiny as well as independent oversight mechanisms;

Or. fr

Amendment 220

Bartosz Arłukowicz, Andrzej Halicki, Radosław Sikorski, Vladimír Bilčík

Draft motion for a resolution

Paragraph 14 – point a a (new)

Draft motion for a resolution

Amendment

(aa) ***in the context of effective ex post scrutiny, establish an obligation to inform the person subject to surveillance of the fact, duration, scope and manner of the***

processing of the data obtained during the operational surveillance;

Or. pl

Amendment 221

Róža Thun und Hohenstein

Draft motion for a resolution

Paragraph 14 – point a a (new)

Draft motion for a resolution

Amendment

(a a) guarantee independent constitutional review of laws in Poland;

Or. en

Amendment 222

Bartosz Arłukowicz, Andrzej Halicki, Radosław Sikorski, Vladimír Bilčík

Draft motion for a resolution

Paragraph 14 – point a b (new)

Draft motion for a resolution

Amendment

(ab) in the context of effective ex ante scrutiny, the request to the court for operational surveillance, as well as the court order for such surveillance, should contain a clear indication of the technical means to be used for the surveillance;

Or. pl

Amendment 223

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 14 – point b

Draft motion for a resolution

Amendment

(b) comply with the ruling of the Constitutional Tribunal on the 1990 Police act;

deleted

Or. fr

Amendment 224
Róža Thun und Hohenstein

Draft motion for a resolution
Paragraph 14 – point b

Draft motion for a resolution

Amendment

(b) comply with the ruling of the Constitutional Tribunal on the 1990 Police act;

(b) comply with the ruling of the ***Poland's*** Constitutional Tribunal on the 1990 Police act;

Or. en

Amendment 225
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 14 – point c

Draft motion for a resolution

Amendment

(c) ***comply with the opinion of the Venice Commission on the 2016 Police act;***

deleted

Or. fr

Amendment 226
Róža Thun und Hohenstein

Draft motion for a resolution
Paragraph 14 – point d

Draft motion for a resolution

Amendment

(d) comply with the various

(d) comply with the various

judgements of the ECtHR, like the judgement *of the Roman Zakharov v. Russia case in 2015* that underlines the necessity for strict surveillance criteria, proper judicial authorisation and oversight, the immediate destruction of irrelevant data, judicial scrutiny over urgency procedures and a requirement for the notification of victims as well as the judgement in the *Klass and others v. Germany case in 1978* that outlines that surveillance must be of sufficient importance to necessitate such an invasion of privacy;

judgements of the ECtHR, like the judgement *in case with application nos. 58359/12 and 2 others, Haščák v. Slovakia, ECtHR from 23 June 2022* that underlines the necessity for strict surveillance criteria, proper judicial authorisation and oversight, the immediate destruction of irrelevant data, judicial scrutiny over urgency procedures and a requirement for the notification of victims as well as the judgement in the *Klass and others v. Germany case in 1978* that outlines that surveillance must be of sufficient importance to necessitate such an invasion of privacy;

Or. en

Amendment 227

Hannes Heide, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Paragraph 14 – point d

Draft motion for a resolution

(d) comply with the various judgements of the ECtHR, like the judgement of the *Roman Zakharov v. Russia case in 2015* that underlines the necessity for strict surveillance criteria, proper judicial authorisation and oversight, the immediate destruction of irrelevant data, judicial scrutiny over urgency procedures and a requirement for the notification of *victims* as well as the judgement in the *Klass and others v. Germany case in 1978* that outlines that surveillance must be of sufficient importance to necessitate such an invasion of privacy;

Amendment

(d) comply with the various judgements of the ECtHR, like the judgement of the *Roman Zakharov v. Russia case in 2015* that underlines the necessity for strict surveillance criteria, proper judicial authorisation and oversight, the immediate destruction of irrelevant data, judicial scrutiny over urgency procedures and a requirement for the notification of *persons targeted* as well as the judgement in the *Klass and others v. Germany case in 1978* that outlines that surveillance must be of sufficient importance to necessitate such an invasion of privacy;

Or. en

Amendment 228

**Hannes Heide, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco,
Juan Fernando López Aguilar, Katarina Barley**

Draft motion for a resolution

Paragraph 14 – point d a (new)

Draft motion for a resolution

Amendment

***(d a) comply with all the CJEU and
ECtHR rulings related to the
independence of justice and primacy of
EU law;***

Or. en

Amendment 229

Christine Anderson

Draft motion for a resolution

Paragraph 14 – point e

Draft motion for a resolution

Amendment

***(e) withdraw Article 168a of the
rewritten Act Amending the Code of
Criminal Procedure of 2016;***

deleted

Or. de

Amendment 230

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 14 – point e

Draft motion for a resolution

Amendment

***(e) withdraw Article 168a of the
rewritten Act Amending the Code of
Criminal Procedure of 2016;***

deleted

Or. fr

Amendment 231

Bartosz Arłukowicz, Andrzej Halicki, Radosław Sikorski, Vladimír Bilčík

Draft motion for a resolution

Paragraph 14 – point e a (new)

Draft motion for a resolution

Amendment

(ea) introduce consistent legislation protecting citizens, regardless of whether the operational surveillance is carried out by the public prosecution service, the secret services or any other state body;

Or. pl

Amendment 232

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 14 – point f

Draft motion for a resolution

Amendment

(f) restore full independence of the judiciary and all relevant oversight bodies, such as the Ombudsman and the Data Protection Authorities, to ensure all oversight bodies get full cooperation and access to information and to provide full information to all victims;

deleted

Or. fr

Amendment 233

Róza Thun und Hohenstein

Draft motion for a resolution

Paragraph 14 – point f

Draft motion for a resolution

Amendment

(f) restore full independence of the judiciary and all relevant oversight bodies, such as the Ombudsman *and the* Data

(f) restore full independence of the judiciary and *respect statutory powers of* all relevant oversight bodies, such as the

Protection *Authorities*, to ensure all oversight bodies get full cooperation and access to information and to provide full information to all victims;

Ombudsman, *the President of the Personal Data Protection Office, the Supreme Audit Office*, to ensure all oversight bodies get full cooperation and access to information and to provide full information to all victims;

Or. en

Amendment 234

Hannes Heide, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution Paragraph 14 – point f

Draft motion for a resolution

(f) restore full independence of the judiciary and all relevant oversight bodies, such as the Ombudsman and the Data Protection Authorities, to ensure all oversight bodies get full cooperation and access to information and to provide full information to all *victims*;

Amendment

(f) restore full independence of the judiciary and all relevant oversight bodies, such as the Ombudsman and the Data Protection Authorities, to ensure all oversight bodies get full cooperation and access to information and to provide full information to all *persons illegally targeted*;

Or. en

Amendment 235

Róza Thun und Hohenstein

Draft motion for a resolution Paragraph 14 – point f a (new)

Draft motion for a resolution

(f a) restore independence of the role of the Public Prosecutor General from the Minister of Justice in order to guarantee that investigations into alleged breaches of fundamental rights are free from political considerations;

Or. en

Amendment 236

Bartosz Arłukowicz, Andrzej Halicki, Radosław Sikorski, Vladimír Bilčík

Draft motion for a resolution

Paragraph 14 – point f a (new)

Draft motion for a resolution

Amendment

**(fa) ensure effective judicial oversight
of operational surveillance;**

Or. pl

Amendment 237

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 14 – point g

Draft motion for a resolution

Amendment

**(g) urgently install the random
allocation of cases to the judges of the
courts for every application that is
submitted, even on the weekend and
outside of normal business hours to avoid
the selection of ‘friendly judges’ by the
secret services;**

deleted

Or. fr

Amendment 238

Bartosz Arłukowicz, Andrzej Halicki, Radosław Sikorski, Vladimír Bilčík

Draft motion for a resolution

Paragraph 14 – point g

Draft motion for a resolution

Amendment

**(g) urgently install the random
allocation of cases to the judges of the
courts for every application that is
submitted, even on the weekend and
outside of normal business hours to avoid**

**(g) urgently install the random
allocation of cases to the judges of the
courts for every application that is
submitted, even on the weekend and
outside of normal business hours to avoid**

the selection of ‘friendly judges’ by the secret services;

the selection of ‘friendly judges’ by the secret services, *and ensure the transparency of such a system by, inter alia, making publicly available the algorithm on the basis of which a judge is randomly allocated to a case;*

Or. pl

Amendment 239
Róża Thun und Hohenstein

Draft motion for a resolution
Paragraph 14 – point g a (new)

Draft motion for a resolution

Amendment

(g a) ensure that authorisation for the use of spyware can only be granted with respect to investigations into a narrow and closed list of clearly defined serious crimes, while privacy and intimacy of individuals is protected from serious violations;

Or. en

Amendment 240
Bartosz Arłukowicz, Andrzej Halicki, Radosław Sikorski, Vladimír Bilčík

Draft motion for a resolution
Paragraph 14 – point g a (new)

Draft motion for a resolution

Amendment

(ga) introduce an obligation to provide a justification for each decision to impose operational surveillance;

Or. pl

Amendment 241
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 14 – point h

Draft motion for a resolution

Amendment

(h) reinstate the traditional system of parliamentary oversight wherein the opposition party takes on the Chairmanship of the Parliamentary Oversight Committee for the Special Services (KSS);

deleted

Or. fr

Amendment 242
Sophia in 't Veld

Draft motion for a resolution
Paragraph 14 – point h a (new)

Draft motion for a resolution

Amendment

(h a) urgently clarify the situation around the misuse of spyware in Poland, so as not to cast any doubt on the integrity of the upcoming elections;

Or. en

Amendment 243
Róža Thun und Hohenstein

Draft motion for a resolution
Paragraph 14 – point i

Draft motion for a resolution

Amendment

(i) urge the *Polish* prosecutor to launch inquiries into the abuse of spyware;

(i) urge the *Public* Prosecutor *General* to launch inquiries into the abuse of spyware;

Or. en

Amendment 244
Róža Thun und Hohenstein

Draft motion for a resolution
Paragraph 14 – point i a (new)

Draft motion for a resolution

Amendment

(ia) properly implement Directive 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and ensure that the data protection authority will have the power of scrutiny over the processing of personal data by, inter alia, authorities such as the Central Anti-Corruption Bureau and the Internal Security Agency;

Or. pl

Amendment 245
Róža Thun und Hohenstein

Draft motion for a resolution
Paragraph 14 – point j a (new)

Draft motion for a resolution

Amendment

(j a) refrain from adopting provisions of the new laws on electronic communication that contravene the European Convention on Human Rights (ECHR),

Or. en

Amendment 246
Andrzej Halicki, Bartosz Arłukowicz, Radosław Sikorski, Vladimír Bilčík

Draft motion for a resolution
Paragraph 14 – point j a (new)

Draft motion for a resolution

Amendment

(j a) properly implement the Law Enforcement Directive 2016/680;

Or. en

Amendment 247

Hannes Heide, Birgit Sippel, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Paragraph 14 – point j a (new)

Draft motion for a resolution

Amendment

(j a) implement the Law Enforcement Directive 2016/680;

Or. en

Amendment 248

Róza Thun und Hohenstein

Draft motion for a resolution

Paragraph 14 – point j b (new)

Draft motion for a resolution

Amendment

(j b) ensure availability of effective legal remedies for the citizens of Poland affected by implementation of laws contravening the Constitution of Poland and the ECHR

Or. en

Amendment 249

Sophia in 't Veld

Draft motion for a resolution

Paragraph 14 a (new)

Draft motion for a resolution

Amendment

14 a. Urges the Commission to assess the compatibility of the Polish 2018 Act with the EU Law Enforcement Directive and, if necessary, to start an infringement procedure;

Or. en

Amendment 250

Christine Anderson, Mathilde Androuët, Gilles Lebreton

Draft motion for a resolution

Paragraph 15

Draft motion for a resolution

Amendment

15. Concludes that contraventions and maladministration in the implementation of Union law have taken place in Hungary; *deleted*

Or. de

Amendment 251

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Frances Fitzgerald, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 15

Draft motion for a resolution

Amendment

15. Concludes that contraventions and maladministration in the implementation of Union law have taken place in Hungary;

15. Concludes that **major** contraventions and maladministration in the implementation of Union law have taken place in Hungary;

Or. en

Amendment 252

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 16

Draft motion for a resolution

Amendment

16. Calls on Hungary to: *deleted*

(a) urgently restore sufficient institutional and legal safeguards, including effective ex ante and ex post scrutiny as well as independent oversight mechanisms;

(b) comply with the various judgements of the ECtHR, like the judgement in the Klass and others v. Germany case in 1978 that outlines the requirement for the notification of surveillance subjects;

(c) reinstate independent oversight bodies in line with the judgement of the ECtHR in the case of Hüttl v. Hungary wherein the court states that the NAIH are incapable of conducting independent oversight of the use of spyware given that the secret services are entitled to deny access to certain documents on the basis of secrecy;

(d) restore full independence of the judiciary and all relevant oversight bodies, such as the Ombudsman and the Data Protection Authorities, to ensure all oversight bodies get full cooperation and access to information and to provide full information to all victims;

(e) reinstate independent employees into leading roles in oversight bodies such as the Constitutional Court, the Supreme Court, the Court of Auditors, the prosecution service, the National Bank of Hungary and the National Election Committee;

(f) invite Europol to investigate all cases of alleged abuse of spyware;

Or. en

Amendment 253

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Frances Fitzgerald, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 16 – point a

Draft motion for a resolution

(a) urgently restore sufficient institutional and legal safeguards, including effective ex ante and ex post scrutiny as well as independent oversight mechanisms;

Amendment

(a) urgently restore sufficient institutional and legal safeguards, including effective, **binding** ex ante and ex post scrutiny as well as independent oversight mechanisms;

Or. en

Amendment 254

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 16 – point a

Draft motion for a resolution

(a) urgently **restore** sufficient institutional and legal safeguards, including effective ex ante and ex post scrutiny as well as independent oversight mechanisms;

Amendment

(a) urgently **establish** sufficient institutional and legal safeguards, including effective ex ante and ex post scrutiny as well as independent oversight mechanisms;

Or. fr

Amendment 255

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 16 – point b

Draft motion for a resolution

(b) comply with the various judgements of the ECtHR, like the judgement in the Klass and others v. Germany case in 1978 that outlines the

Amendment

(b) comply with the various judgements of the ECtHR, like the judgement in the Klass and others v. Germany case in 1978 that outlines the

requirement for the notification of surveillance subjects;

requirement for the notification of surveillance subjects *and the judgment handed down in the Hüttl v Hungary case, in which the Court stated that the National Authority for Data Protection and Freedom of Information ('Data Protection Authority' or 'DPA') was not able to carry out an independent check on the use made of spyware;*

Or. fr

Amendment 256

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 16 – point c

Draft motion for a resolution

Amendment

(c) reinstate independent oversight bodies in line with the judgement of the ECtHR in the case of Hüttl v. Hungary wherein the court states that the NAIH are incapable of conducting independent oversight of the use of spyware given that the secret services are entitled to deny access to certain documents on the basis of secrecy;

deleted

Or. fr

Amendment 257

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 16 – point d

Draft motion for a resolution

Amendment

(d) restore full independence of the judiciary and all relevant oversight bodies, such as the Ombudsman and the Data Protection Authorities, to ensure all oversight bodies get full cooperation and

deleted

access to information and to provide full information to all victims;

Or. fr

Amendment 258

Hannes Heide, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Paragraph 16 – point d

Draft motion for a resolution

(d) restore full independence of the judiciary and all relevant oversight bodies, such as the Ombudsman and the Data Protection Authorities, to ensure all oversight bodies get full cooperation and access to information and to provide full information to all *victims*;

Amendment

(d) restore full independence of the judiciary and all relevant oversight bodies, such as the Ombudsman and the Data Protection Authorities, to ensure all oversight bodies get full cooperation and access to information and to provide full information to all *persons illegally targeted*;

Or. en

Amendment 259

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 16 – point e

Draft motion for a resolution

(e) *reinstate independent employees into leading roles in oversight bodies such as the Constitutional Court, the Supreme Court, the Court of Auditors, the prosecution service, the National Bank of Hungary and the National Election Committee;*

Amendment

deleted

Or. fr

Amendment 260

Christine Anderson, Mathilde Androuët, Gilles Lebreton

Draft motion for a resolution

Paragraph 17

Draft motion for a resolution

Amendment

17. *Concludes that contraventions and maladministration in the implementation of Union law have taken place in Greece;* *deleted*

Or. de

Amendment 261

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 17

Draft motion for a resolution

Amendment

17. Concludes that contraventions and maladministration in the implementation of Union law have taken place in Greece;

17. Concludes *that no compelling evidence was found* that contraventions and maladministration in the implementation of Union law have taken place in Greece;

Or. en

Amendment 262

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 18

Draft motion for a resolution

Amendment

18. *Calls on Greece to:* *deleted*
(a) urgently restore and strengthen the institutional and legal safeguards, including effective ex ante and ex post scrutiny as well as independent oversight

mechanisms;

(b) urgently repeal all export licences that are not fully in line with the Dual-Use Regulation and investigate the allegations of illegal exports, among others to Sudan;

(c) ensure that the authorities can freely and unhindered investigate all allegations of the use of spyware;

(d) urgently withdraw Amendment 826/145 of Law 2472/1997, which abolished the ability of the ADAE to notify citizens of the lifting of the confidentiality of communications;

(e) restore full independence of the judiciary and all relevant oversight bodies, such as the Ombudsman and the Data Protection Authorities, to ensure all oversight bodies get full cooperation and access to information and to provide full information to all victims;

(f) reverse the legislative amendment of 2019 that placed the EYP under the direct control of the Prime Minister;

(g) urgently implement the Whistleblowers Directive;

(h) ensure the independence of the EAD leadership;

(i) urgently launch a police investigation following the alleged abuse of spyware and seize physical evidence of proxies, broker companies and spyware vendors that are linked to the spyware infections;

(j) invite Europol to immediately join the investigations;

Or. en

Amendment 263

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

**Draft motion for a resolution
Paragraph 18 – point a**

Draft motion for a resolution

(a) ***urgently restore and strengthen the institutional and*** legal safeguards, including effective ex ante and ex post scrutiny as well as independent oversight mechanisms;

Amendment

(a) ***continue strengthening*** legal safeguards ***and brave institutional reforms***, including effective ex ante and ex post scrutiny as well as independent oversight mechanisms, ***as recently introduced by the Greek Law 5002/2022***;

Or. en

Amendment 264

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 18 – point a

Draft motion for a resolution

(a) ***urgently restore and strengthen the*** institutional and legal safeguards, including effective ex ante and ex post scrutiny as well as independent oversight mechanisms;

Amendment

(a) ***urgently establish*** institutional and legal safeguards, including effective ex ante and ex post scrutiny as well as independent oversight mechanisms;

Or. fr

Amendment 265

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 18 – point a a (new)

Draft motion for a resolution

Amendment

(a a) to restore robust institutional checks and balances which are needed to guarantee the functioning, cooperation and mutual control of State organs, so that power is exercised by one state authority under the scrutiny of others;

Or. en

Amendment 266
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 18 – point d

Draft motion for a resolution

Amendment

(d) urgently withdraw Amendment 826/145 of Law 2472/1997, which abolished the ability of the ADAE to notify citizens of the lifting of the confidentiality of communications;

deleted

Or. fr

Amendment 267
Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution
Paragraph 18 – point d

Draft motion for a resolution

Amendment

(d) urgently withdraw Amendment 826/145 of Law 2472/1997, which abolished the ability of the ADAE to notify citizens of the lifting of the confidentiality of communications;

(d) urgently withdraw Amendment 826/145 of Law 2472/1997, which abolished the ability of the ADAE to notify citizens of the lifting of the confidentiality of communications; *amend the Law 5002/2022 in order to restore the previous legal status with the right to immediate information of a citizen, upon his request, as soon as the surveillance has been completed;*

Or. en

Amendment 268
Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution
Paragraph 18 – point d

Draft motion for a resolution

Amendment

(d) ***urgently withdraw Amendment 826/145 of Law 2472/1997, which abolished the ability of the ADAE to notify citizens of the lifting of the confidentiality of communications;***

(d) ***ensure the immediate implementation of the provisions set by the recent Greek Law 5002/2022 regarding the ability of the competent authority to notify citizens of the lifting of the confidentiality of communications, consisting of both Prosecutors who serve in the EYP and the President of ADAE;***

Or. en

Amendment 269

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé
on behalf of the Verts/ALE Group

Draft motion for a resolution
Paragraph 18 – point d

Draft motion for a resolution

Amendment

(d) ***urgently withdraw Amendment 826/145 of Law 2472/1997, which abolished the ability of the ADAE to notify citizens of the lifting of the confidentiality of communications;***

(d) ***urgently withdraw Amendment 826/145 of Law 2472/1997, which abolished the ability of the Hellenic Authority for Communication Security and Privacy (ADAE) to notify citizens of the lifting of the confidentiality of communications;***

Or. en

Amendment 270

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 18 – point e

Draft motion for a resolution

Amendment

(e) ***restore full independence of the judiciary and all relevant oversight bodies, such as the Ombudsman and the Data Protection Authorities, to ensure all***

deleted

oversight bodies get full cooperation and access to information and to provide full information to all victims;

Or. fr

Amendment 271
Sophia in 't Veld

Draft motion for a resolution
Paragraph 18 – point e

Draft motion for a resolution

(e) restore full independence of the judiciary and all relevant oversight bodies, such as the Ombudsman and the Data Protection Authorities, to ensure all oversight bodies get full cooperation and access to information and to provide full information to all victims;

Amendment

(e) restore full independence of the judiciary and all relevant oversight bodies, such as the Ombudsman and the Data Protection Authorities ***and fully respect the independence of the ADAE***, to ensure all oversight bodies get full cooperation and access to information and to provide full information to all victims;

Or. en

Amendment 272
Hannes Heide, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution
Paragraph 18 – point e

Draft motion for a resolution

(e) restore full independence of the judiciary and all relevant oversight bodies, such as the Ombudsman and the Data Protection Authorities, to ensure all oversight bodies get full cooperation and access to information and to provide full information to all ***victims***;

Amendment

(e) restore full independence of the judiciary and all relevant oversight bodies, such as the Ombudsman and the Data Protection Authorities, to ensure all oversight bodies get full cooperation and access to information and to provide full information to all ***persons illegally targeted***;

Or. en

Amendment 273

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 18 – point e

Draft motion for a resolution

(e) restore full independence of the judiciary and all relevant oversight bodies, such as the Ombudsman and the Data Protection Authorities, to ensure all oversight bodies get full cooperation and access to information and to provide full information to all victims;

Amendment

(e) restore full independence of the judiciary and all relevant oversight bodies, such as the Ombudsman and the Data Protection Authorities, to ensure all oversight ***and supervision*** bodies get full cooperation and access to information and to provide full information to all victims;

Or. en

Amendment 274

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 18 – point e

Draft motion for a resolution

(e) ***restore full independence*** of the judiciary and all relevant oversight bodies, ***such as the Ombudsman and the Data Protection Authorities, to ensure all oversight bodies get full cooperation and access to information and to provide full information to all victims;***

Amendment

(e) ***ensure that, in the framework of the Greek constitutional and common law, the independent*** judiciary and all relevant oversight bodies ***in full cooperation will move swiftly on the investigation of all allegations of the use of spyware;***

Or. en

Amendment 275

Sophia in 't Veld

Draft motion for a resolution

Paragraph 18 – point e a (new)

Draft motion for a resolution

Amendment

(e a) urgently clarify the situation around the misuse of spyware in Greece, so as not to cast any doubt on the integrity of the upcoming elections;

Or. en

Amendment 276

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 18 – point e a (new)

Draft motion for a resolution

Amendment

(e a) respect the constitutional autonomy of the independent authorities and restore the separation of powers;

Or. en

Amendment 277

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 18 – point e a (new)

Draft motion for a resolution

Amendment

(e a) ensure that ADAE can set up an electronic archive to be able to perform its task;

Or. en

Amendment 278

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 18 – point f

Draft motion for a resolution

Amendment

(f) *reverse the legislative amendment of 2019 that placed the EYP under the direct control of the Prime Minister;* *deleted*

Or. fr

Amendment 279

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution
Paragraph 18 – point f

Draft motion for a resolution

Amendment

(f) *reverse* the legislative amendment of 2019 that placed the EYP under the direct control of the Prime Minister;

(f) *reassess* the legislative amendment of 2019 that placed the EYP under the direct control of the Prime Minister; *however, due to the special nature of the issues handled by the EYP on terrorism cases or national issues, it is considered that there should be direct access and communication with the Prime Minister so that there is no risk of leaking of any critical information, as this was also a long-standing demand of EYP's employees' union;*

Or. en

Amendment 280

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution
Paragraph 18 – point f

Draft motion for a resolution

Amendment

(f) reverse the legislative amendment

(f) reverse the legislative amendment

of 2019 that placed the EYP under the direct control of the Prime Minister;

of 2019 that placed the EYP under the direct control of the Prime Minister;
ensure constitutional guarantees and allow parliamentary control of its operation, without the pretext of the confidentiality of information;

Or. en

Amendment 281

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 18 – point f a (new)

Draft motion for a resolution

Amendment

(f a) improve transparency as regards the works of the Inquiry committee by allowing access to more documents used during its investigations;

Or. en

Amendment 282

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 18 – point g

Draft motion for a resolution

Amendment

(g) *urgently implement the*
Whistleblowers Directive;

(g) *ensure the high standards of protection for persons reporting breaches of the Union law, as provided in the Greek Law 4990/2022, which fully implements*
Whistleblowers Directive;

Or. en

Amendment 283

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution
Paragraph 18 – point g

Draft motion for a resolution

(g) urgently implement the Whistleblowers Directive;

Amendment

(g) urgently **and fully** implement the Whistleblowers Directive;

Or. en

Amendment 284
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 18 – point i

Draft motion for a resolution

(i) urgently launch a police investigation following the alleged abuse of spyware **and seize physical evidence of proxies, broker companies and spyware vendors that are linked to the spyware infections**;

Amendment

(i) urgently launch a police investigation following the alleged abuse of spyware;

Or. fr

Amendment 285
Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution
Paragraph 18 – point i

Draft motion for a resolution

(i) **urgently launch a** police investigation following the alleged abuse of spyware and seize physical evidence of proxies, broker companies and spyware vendors that are linked to the spyware infections;

Amendment

(i) **step up the ongoing** police investigation following the alleged abuse of spyware and seize physical evidence of proxies, broker companies and spyware vendors that are linked to the spyware infections;

Or. en

Amendment 286

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Frances Fitzgerald, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 18 – point j

Draft motion for a resolution

(j) *invite* Europol *to immediately join the* investigations;

Amendment

(j) *cooperate with* Europol, *when necessary, on the ongoing* investigations;

Or. en

Amendment 287

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 18 – point j a (new)

Draft motion for a resolution

Amendment

(j a) urgently investigate and clarify the numerous surveillance cases before the upcoming national elections on spring 2023;

Or. en

Amendment 288

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé
on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 18 – point j a (new)

Draft motion for a resolution

Amendment

(j a) refrain from political interference in the work of Chief Prosecutor;

Or. en

Amendment 289
Christine Anderson

Draft motion for a resolution
Paragraph 19

Draft motion for a resolution

Amendment

19. Concludes that although the regulatory framework in Spain seems to be in line with the requirements set by the Treaties and by judgements by the CJEU and the ECtHR, the factual implementation raises questions, as Members of Parliament have been targeted and that lawyers, politicians, activists and journalists were targeted when there was no criminal charge or evident imminent threat to national security; **deleted**

Or. de

Amendment 290
Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 19

Draft motion for a resolution

Amendment

19. Concludes that although the regulatory framework in Spain seems to be in line with the requirements set by the Treaties and by judgements by the CJEU and the ECtHR, the factual implementation raises questions, as Members of Parliament have been targeted and that lawyers, politicians, activists and journalists were targeted when there was no criminal charge or evident imminent threat to national security; **deleted**

Amendment 291

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution
Paragraph 19

Draft motion for a resolution

19. Concludes that ***although*** the regulatory framework in Spain seems to be in line with the requirements set by the Treaties and by judgements by the CJEU and the ECtHR, ***the factual implementation raises questions, as Members of Parliament have been targeted and that lawyers, politicians, activists and journalists were targeted when there was no criminal charge or evident imminent threat to national security***;

Amendment

19. Concludes that the regulatory framework in Spain seems to be in line with the requirements set by the Treaties and by judgements by the CJEU and the ECtHR;

Amendment 292

Carles Puigdemont i Casamajó

Draft motion for a resolution
Paragraph 19

Draft motion for a resolution

19. Concludes that although the regulatory framework in Spain seems to be in line with the requirements set by the Treaties and by judgements by the CJEU and the ECtHR, the factual implementation raises questions, as Members of Parliament have been targeted and that lawyers, politicians, activists and journalists were targeted when there was no criminal charge or evident imminent threat to national security;

Amendment

19. Concludes that although ***formally*** the regulatory framework in Spain seems to be in line with the requirements set by the Treaties and by judgements by the CJEU and the ECtHR, the factual implementation raises questions, as Members of Parliament have been targeted and that lawyers, politicians, activists and journalists were targeted when there was no criminal charge or evident imminent threat to national security; ***underlines that***

the behaviour of Spanish judges puts in question their neutrality and impartiality regarding the Catalan pro-independence movement;

Or. en

Amendment 293
Jorge Buxadé Villalba

Draft motion for a resolution
Paragraph 19

Draft motion for a resolution

19. Concludes that ***although*** the regulatory framework in Spain seems to be in line with the requirements set by the Treaties and by judgements by the CJEU and the ECtHR, ***the factual implementation raises questions, as Members of Parliament have been targeted*** and that ***lawyers, politicians, activists and journalists were targeted when there was no criminal charge or evident imminent threat to national security***;

Amendment

19. Concludes that the regulatory framework in Spain seems to be in line with the requirements set by the Treaties and by judgements by the CJEU and the ECtHR, and that there ***is no proof of any unlawful investigation in the case on the attempted coup d'etat in Spain in 2017***;

Or. en

Amendment 294
Hannes Heide, Sylvie Guillaume, Ibán García Del Blanco, Juan Fernando López Aguilar

Draft motion for a resolution
Paragraph 19

Draft motion for a resolution

19. Concludes that ***although*** the regulatory framework in Spain ***seems to be in line*** with the requirements set by the Treaties and by judgements by the CJEU and the ECtHR, ***the factual implementation raises questions, as Members of Parliament have been***

Amendment

19. Concludes that the regulatory framework in Spain ***has been revised, as recommended by the Spanish Ombudsman, by updating the legislation, strengthening the guarantees of judiciary control, and ensuring maximum respect for fundamental rights of individuals, and***

targeted and that lawyers, politicians, activists and journalists were targeted when there was no criminal charge or evident imminent threat to national security;

so to align better with the requirements set by the Treaties and by judgements by the CJEU and the ECtHR;

Or. en

Amendment 295

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution **Paragraph 20**

Draft motion for a resolution

Amendment

20. Calls on the government of Spain
to:

deleted

(a) provide full clarity on all alleged cases of the use of spyware

(b) ensure real and meaningful legal remedy for all victims, and for judicial inquiries to be concluded without delay;

(c) urgently resolve the ongoing crisis in the judiciary;

Or. en

Amendment 296

Hannes Heide, Sylvie Guillaume, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution **Paragraph 20 – introductory part**

Draft motion for a resolution

Amendment

20. Calls on *the* government of Spain
to:

20. Calls on Spain to:

Or. en

Amendment 297

Ibán García Del Blanco, Juan Fernando López Aguilar

Draft motion for a resolution

Paragraph 20 – point a

Draft motion for a resolution

Amendment

(a) provide full clarity on all alleged cases of the use of spyware

deleted

Or. en

Amendment 298

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 20 – point a

Draft motion for a resolution

Amendment

(a) provide full clarity on all alleged cases of the use of spyware

(a) conduct a full, fair, and effective investigation and publish the findings as requested by UN experts, and to provide full clarity on all alleged cases of the use of spyware, specifically of the 65 people spied on in the Catalangate case;

Or. en

Amendment 299

Jorge Buxadé Villalba

Draft motion for a resolution

Paragraph 20 – point a

Draft motion for a resolution

Amendment

(a) provide full clarity on all alleged cases of the use of spyware

(a) provide full clarity, taking into account the limitations on disclosure of information for national security purposes, on all alleged cases of the use of spyware in accordance to national and

Amendment 300

Carles Puigdemont i Casamajó

Draft motion for a resolution

Paragraph 20 – point a

Draft motion for a resolution

- (a) provide full clarity on all alleged cases of the use of spyware

Amendment

- (a) provide full clarity on all alleged cases of the use of spyware ***and take political responsibility for the illegal use of spyware against the Catalan pro-independence movement***

Amendment 301

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 20 – point a

Draft motion for a resolution

- (a) provide full clarity on all alleged cases of the use of spyware

Amendment

- (a) provide full clarity on all alleged cases of the use of spyware, ***specifically the 65 people spied on the CatalanGate;***

Amendment 302

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 20 – point a

Draft motion for a resolution

Amendment

(a) provide full clarity on ***all alleged*** cases of the use of spyware

(a) provide full clarity on ***proven*** cases of the use of spyware

Or. en

Amendment 303

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 20 – point b

Draft motion for a resolution

(b) ensure real and meaningful legal remedy for all victims, and for judicial inquiries to be concluded without delay;

Amendment

(b) ensure real and meaningful legal remedy for all victims, and for judicial inquiries to be concluded without delay;
calls on the Spanish authorities to allocate sufficient resources to the investigation; and to guarantee victims' rights to truth and reparation;

Or. en

Amendment 304

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 20 – point b

Draft motion for a resolution

(b) ensure real and meaningful legal remedy for all victims, and for judicial inquiries to be concluded without delay;

Amendment

(b) ensure real and meaningful legal remedy for all victims, and for judicial inquiries to be concluded without delay,
giving instructions to the State Attorney General to put resources in the investigation and to facilitate victims in legal investigations;

Or. en

Amendment 305
Carles Puigdemont i Casamajó

Draft motion for a resolution
Paragraph 20 – point b

Draft motion for a resolution

(b) ensure real and meaningful legal remedy for all victims, and for judicial inquiries to be concluded without delay;

Amendment

(b) ensure real and meaningful legal remedy for all victims, and for judicial inquiries to be concluded without delay ***and taking into account the centrality of fundamental rights;***

Or. en

Amendment 306
Jorge Buxadé Villalba

Draft motion for a resolution
Paragraph 20 – point b

Draft motion for a resolution

(b) ensure real and meaningful legal remedy ***for all victims***, and for judicial inquiries to be concluded without delay;

Amendment

(b) ensure ***that individuals investigated with spyware tools have*** real and meaningful legal remedy, and for judicial inquiries to be concluded without delay;

Or. en

Amendment 307
Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution
Paragraph 20 – point b

Draft motion for a resolution

(b) ensure real and meaningful legal remedy for all victims, ***and for judicial inquiries to be concluded without delay;***

Amendment

(b) ensure real and meaningful legal remedy for all victims;

Or. en

Amendment 308

Hannes Heide, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Paragraph 20 – point b

Draft motion for a resolution

(b) ensure ***real and meaningful legal remedy for all victims, and for*** judicial inquiries ***to be concluded without delay***;

Amendment

(b) ensure ***the expedition of current*** judicial inquiries ***and complete clarification related to the use of spyware***;

Or. en

Amendment 309

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 20 – point b a (new)

Draft motion for a resolution

Amendment

(b a) provide further information and transparency on the judicial authorisation by the Supreme Court to the CNI to spy on 18 out of the 65 victims;

Or. en

Amendment 310

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 20 – point b b (new)

Draft motion for a resolution

Amendment

(b b) urgently strengthen the institutional and legal safeguards, allowing citizens to know if they have had their communications intervened once these have ceased so that they can carry out review and control measures of this intervention with the aim of avoiding

abuses and arbitrariness;

Or. en

Amendment 311

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 20 – point b c (new)

Draft motion for a resolution

Amendment

(b c) disclose and provide information on the acquisition of surveillance spyware, information on all contracts that have been made with private surveillance companies and respond to requests for information from independent authorities;

Or. en

Amendment 312

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 20 – point b d (new)

Draft motion for a resolution

Amendment

(b d) provide information on whether Pegasus has been used beyond cases of imminent terrorist attacks and whether there have been guidelines to use it;

Or. en

Amendment 313

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 20 – point b e (new)

(b e) increase control, legal and operational guarantees in surveillance operations through

(a) A continuous and ongoing review of the legality of the CNI's procedures, as well as adequate judicial control, including the storage of the information obtained, with solid and independent systems of supervision, in order to avoid arbitrary or abusive actions

(b) Introduce into Spanish law effective and impartial mechanisms for the supervision and control of surveillance activities. To this end, the regulations governing the CNI and the control of its actions should be modified to ensure that its actions and control mechanisms are in accordance with human rights

(c) Modify the Official Secrets Law to bring it into line with international standards on the classification of classified information and to ensure that possible abuses and human rights violations cannot be covered by the consideration of secrecy and therefore go unpunished

Or. en

Amendment 314

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 20 – point c

(c) urgently resolve the ongoing crisis in the judiciary;

deleted

Or. fr

Amendment 315

Hannes Heide, Sylvie Guillaume, Ibán García Del Blanco, Juan Fernando López Aguilar

Draft motion for a resolution

Paragraph 20 – point c

Draft motion for a resolution

Amendment

**(c) urgently resolve the ongoing crisis
in the judiciary;** **deleted**

Or. en

Amendment 316

Carles Puigdemont i Casamajó

Draft motion for a resolution

Paragraph 20 – point c

Draft motion for a resolution

Amendment

**(c) urgently resolve the ongoing crisis
in the judiciary;** **(c) urgently resolve the ongoing crisis
in the judiciary *against members of the
Catalan pro-independence movement;***

Or. en

Amendment 317

**Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield,
Jordi Solé**

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 20 – point c a (new)

Draft motion for a resolution

Amendment

**(c a) provide the judicial authorisation
granted by the Supreme Court to the
Spanish National Intelligence Agency
(CNI) to spy on 18 out of 65 Catalan
victims; to clarify and provide further
information on the other cases;**

Or. en

Amendment 318

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 20 – point c a (new)

Draft motion for a resolution

Amendment

(c a) invite Europol to immediately join the investigations;

Or. en

Amendment 319

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 20 – point c b (new)

Draft motion for a resolution

Amendment

(c b) ensure that the authorities can freely and in an unhindered manner investigate all allegations of the use of spyware;

Or. en

Amendment 320

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 20 – point c c (new)

Draft motion for a resolution

Amendment

(c c) urgently launch a police investigation following the alleged abuse of spyware and seize physical evidence of proxies, broker companies and spyware

vendors that are linked to the spyware infections;

Or. en

Amendment 321

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 20 – point c d (new)

Draft motion for a resolution

Amendment

(c d) invite Europol to immediately join the investigations;

Or. en

Amendment 322

Sophia in 't Veld

Draft motion for a resolution

Paragraph 20 a (new)

Draft motion for a resolution

Amendment

20 a. Welcomes the recommendations by the UN Special Rapporteur on freedom of peaceful assembly and of association Fernand de Varennes, and UN Special Rapporteur on freedom of opinion and expression Irene Khan, for the Spanish authorities to conduct a full, fair and effective investigation into the allegations of Pegasus and Candiru spyware having been used to target Catalan public figures and activists, publish the findings and stop any unlawful interference into the fundamental rights of the Catalan minority activists in Spain;

Or. en

Amendment 323
Christine Anderson

Draft motion for a resolution
Paragraph 20 a (new)

Draft motion for a resolution

Amendment

20a. provide full clarity and access to the relevant documentation on the alleged spying on the Prime Minister and the Minister of Defence by a third country;

Or. de

Amendment 324
Christine Anderson

Draft motion for a resolution
Paragraph 21

Draft motion for a resolution

Amendment

21. Concludes that contraventions and maladministration in the implementation of Union law are likely to have taken place in Cyprus; **deleted**

Or. de

Amendment 325
Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 21

Draft motion for a resolution

Amendment

21. Concludes that contraventions and maladministration in the implementation of Union law are likely to have taken place in Cyprus; **deleted**

Amendment 326

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 21

Draft motion for a resolution

21. Concludes that contraventions and maladministration in the implementation of Union law are likely to have taken place in Cyprus;

Amendment

21. Concludes that **some** contraventions and maladministration in the implementation of Union law are likely to have taken place in Cyprus;

Or. en

Amendment 327

Hannes Heide, Sylvie Guillaume, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Paragraph 21

Draft motion for a resolution

21. Concludes that **contraventions and** maladministration in the implementation of Union law **are likely to have taken place** in Cyprus;

Amendment

21. Concludes that **there is evidence of** maladministration in the implementation of Union law in Cyprus **which requires close scrutiny**;

Or. en

Amendment 328

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 22

Draft motion for a resolution

Amendment

22. *Calls on the government of Cyprus* *deleted*
to:

(a) thoroughly assess all export licences issued for spyware and repeal them where appropriate;

(b) release the report of the special investigator on the 'Spyware Van' case;

(c) fully investigate, with the assistance of Europol, all allegations of illegitimate use of spyware, notably on journalists, lawyers and civil society actors;

Or. en

Amendment 329

Hannes Heide, Sylvie Guillaume, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Paragraph 22 – introductory part

Draft motion for a resolution

Amendment

22. *Calls on **the government of** Cyprus*
to:

22. *Calls on Cyprus to:*

Or. en

Amendment 330

Sophia in 't Veld

Draft motion for a resolution

Paragraph 22 – point a a (new)

Draft motion for a resolution

Amendment

(a a) thoroughly assess the shipment of spyware material within the EU's internal market between Member States and map the different Israeli companies or companies owned and run by Israeli citizens that are registered in Cyprus and that are involved in such activities;

Amendment 331

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 22 – point b

Draft motion for a resolution

Amendment

(b) release the report of the special investigator on the ‘Spyware Van’ case; ***deleted***

Amendment 332

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 22 – point b

Draft motion for a resolution

Amendment

(b) release the report of the special investigator on the ‘Spyware Van’ case;

(b) release the report of the special investigator on the ‘Spyware Van’ case; *as requested by the official mission of PEGA when it visited Cyprus;*

Amendment 333

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 22 – point c

Draft motion for a resolution

Amendment

(c) fully investigate, with the assistance of Europol, all allegations of illegitimate use of spyware, notably on journalists, lawyers and civil society ***deleted***

actors;

Or. en

Amendment 334

Hannes Heide, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Paragraph 22 – point c

Draft motion for a resolution

(c) fully investigate, with the assistance of Europol, all allegations of illegitimate use of spyware, *notably on journalists, lawyers and civil society actors;*

Amendment

(c) fully investigate, with the assistance of Europol, all allegations of illegitimate use of spyware;

Or. en

Amendment 335

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 22 – point c

Draft motion for a resolution

(c) fully investigate, with the assistance of Europol, all allegations of illegitimate use of spyware, notably on journalists, lawyers *and* civil society actors;

Amendment

(c) fully investigate, with the assistance of Europol, all allegations of illegitimate use of spyware, notably on journalists, lawyers, civil society actors; *and Cypriot citizens;*

Or. en

Amendment 336

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 23

Draft motion for a resolution

23. Is of the view that the situation in **other** Member States is **also** reason for concern, in particular given the presence of a lucrative and expanding spyware industry benefiting from the good reputation, the single market and free movement of the Union, enabling Member States **like Cyprus and Bulgaria** to become an export hub for spyware to undemocratic regimes around the world;

Amendment

23. Is of the view that the situation in Member States is reason for concern, in particular given the presence of a lucrative and expanding spyware industry benefiting from the good reputation, the single market and free movement of the Union, enabling Member States to become an export hub for spyware to undemocratic regimes around the world;

Or. en

Amendment 337

Hannes Heide, Sylvie Guillaume, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Paragraph 23

Draft motion for a resolution

23. Is of the view that the situation in other Member States is also reason for concern, in particular given the presence of a lucrative and expanding spyware industry benefiting from the good reputation, the single market and free movement of the Union, enabling Member States like Cyprus and Bulgaria to become an export hub for spyware to **undemocratic** regimes around the world;

Amendment

23. Is of the view that the situation in other Member States is also reason for concern, in particular given the presence of a lucrative and expanding spyware industry benefiting from the good reputation, the single market and free movement of the Union, enabling Member States like Cyprus and Bulgaria to become an export hub for spyware to **autocratic** regimes around the world;

Or. en

Amendment 338

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 23

Draft motion for a resolution

23. Is of the view that the situation in other Member States is also reason for concern, in particular given the presence of a lucrative and expanding spyware industry benefiting from the good reputation, the single market and free movement of the Union, enabling Member States *like Cyprus and Bulgaria* to become an export hub for spyware to undemocratic regimes around the world;

Amendment

23. Is of the view that the situation in other Member States is also reason for concern, in particular given the presence of a lucrative and expanding spyware industry benefiting from the good reputation, the single market and free movement of the Union, enabling *some* Member States to become an export hub for spyware to undemocratic regimes around the world;

Or. en

Amendment 339

Ivo Hristov

Draft motion for a resolution

Paragraph 23

Draft motion for a resolution

23. Is of the view that the situation in *other* Member States is also reason for concern, in particular given the presence of a lucrative and expanding spyware industry benefiting from the good reputation, the single market and free movement of the Union, enabling Member States *like Cyprus and Bulgaria* to become an export hub for spyware to undemocratic regimes around the world;

Amendment

23. Is of the view that the situation in *some* Member States is also reason for concern, in particular given the presence of a lucrative and expanding spyware industry benefiting from the good reputation, the single market and free movement of the Union, enabling Member States to become an export hub for spyware to undemocratic regimes around the world;

Or. en

Amendment 340

Christine Anderson

Draft motion for a resolution

Paragraph 23 a (new)

Draft motion for a resolution

Amendment

23a. Concludes, with regard to

Germany, that the Federal Government did not participate in the investigation and, in particular, that no representative of the Federal Government appeared before the Special Committee, despite repeated invitations;

Or. de

Amendment 341

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 24

Draft motion for a resolution

Amendment

24. *Is of the opinion that the failure or refusal of national authorities to ensure the proper protection for the citizens of the Union, demonstrates with all necessary clarity that action at Union level is indispensable to ensure that the letter of the Treaties is upheld and that Union legislation is respected, so that the rights of citizens to human dignity, private life, personal data and property is respected;* **deleted**

Or. en

Amendment 342

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 24

Draft motion for a resolution

Amendment

24. *Is of the opinion that the failure or refusal of national authorities to ensure the proper protection for the citizens of the Union, demonstrates with all necessary clarity that action at Union* **deleted**

level is indispensable to ensure that the letter of the Treaties is upheld and that Union legislation is respected, so that the rights of citizens to human dignity, private life, personal data and property is respected;

Or. fr

Amendment 343

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

**Draft motion for a resolution
Paragraph 24**

Draft motion for a resolution

24. Is of the opinion that the failure or refusal of national authorities to ensure the proper protection for the citizens of the Union, demonstrates with all necessary clarity that action at Union level is indispensable to ensure that the letter of the Treaties is upheld and that Union legislation is respected, so that the rights of citizens to human dignity, private life, personal data and property is respected;

Amendment

24. Is of the opinion that the failure or refusal of national authorities to ensure the proper protection for the citizens of the Union, demonstrates with all necessary clarity that action at Union level is indispensable to ensure that the letter of the Treaties is upheld and that Union legislation is respected, so that the rights of citizens to human dignity, private life, personal data and property is respected *as required by the Directive 2012/29/EU according to which every victim has a right to receive support and protection in accordance with his or her individual needs;*

Or. en

Amendment 344

Lucia Vuolo

**Draft motion for a resolution
Paragraph 24**

Draft motion for a resolution

Amendment

24. Is of the opinion that the failure ***or refusal*** of national authorities to ensure the proper protection for the citizens of the Union, demonstrates with all necessary clarity that action at Union level is indispensable to ensure that the letter of the Treaties is upheld and that Union legislation is respected, so that the rights of citizens to human dignity, private life, personal data and property is respected;

24. Is of the opinion that the failure of national authorities to ensure the proper protection for the citizens of the Union, ***due to regulatory gaps and proper legal instruments***, demonstrates with all necessary clarity that action at Union level is indispensable to ensure that the letter of the Treaties is upheld and that Union legislation is respected, so that the rights of citizens to human dignity, private life, personal data and property is respected;

Or. en

Amendment 345

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution Paragraph 24

Draft motion for a resolution

24. Is of the opinion that the ***failure or refusal of national authorities to ensure*** the proper protection for the citizens of the Union, demonstrates ***with all necessary clarity that action at Union level*** is indispensable to ensure ***that the letter of the Treaties is upheld and*** that Union legislation is respected, so that the ***rights*** of citizens to human dignity, private life, personal data and property ***is*** respected;

Amendment

24. Is of the opinion that the ***scale of the challenge involved in ensuring*** the proper protection for the citizens of the Union demonstrates ***that support from the institutions of the European Union*** is indispensable to ensure that Union legislation is respected, so that the ***right*** of citizens to ***living in a safe environment where*** human dignity, private life, personal data and property ***are*** respected;

Or. en

Amendment 346

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé
on behalf of the Verts/ALE Group

Draft motion for a resolution Paragraph 24 a (new)

24 a. calls on the EU institutions to establish rules capable of guaranteeing the thoroughness, impartiality, independence, transparency and timeliness of investigations and prosecution of crimes committed through spyware; for journalists, the creation of “digital shelters” providing support in the area of digital security, including the provision of cybersecurity expertise should also be considered;

Or. en

Amendment 347

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

**Draft motion for a resolution
Paragraph 25**

25. Concludes that contraventions and maladministration in the implementation of Union law has been committed by the Commission and the European External Action Service (EEAS) when providing support to third countries, including but not limited to 10 such countries in the Sahel, to enable them to develop surveillance capabilities;

deleted

Or. en

Amendment 348

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé
on behalf of the Verts/ALE Group

**Draft motion for a resolution
Paragraph 26 – introductory part**

Draft motion for a resolution

Amendment

26. Calls on the Commission **and** the EEAS to:

26. Calls on the Commission, the EEAS **and/or CEPOL** to:

Or. en

Amendment 349

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 26 – point a

Draft motion for a resolution

Amendment

(a) immediately halt any support to third countries aimed at enabling them to develop surveillance capabilities or that otherwise facilitate such development;

deleted

Or. en

Amendment 350

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Frances Fitzgerald, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 26 – point a

Draft motion for a resolution

Amendment

(a) immediately halt any support to third countries aimed at *to* enabling them to develop surveillance capabilities or that otherwise facilitate such development;

(a) immediately halt any support to third countries aimed at enabling them to develop surveillance capabilities or that otherwise facilitate such development *if the respect for human and fundamental rights, including rule of law, protection for democratic principles, politicians, human rights defenders and journalists cannot be guaranteed;*

Or. en

Amendment 351

Bart Groothuis, Róża Thun und Hohenstein, Ivars Ijabs, Dragoș Tudorache

Draft motion for a resolution

Paragraph 26 – point a

Draft motion for a resolution

(a) immediately halt any support to third countries *aimed at to enabling them to develop surveillance capabilities* or that *otherwise facilitate such development*;

Amendment

(a) immediately halt any support to third countries *that have abused spyware for serious violations of human rights* or that *pose a threat to international security or the essential security of the Union and its Members, without prejudice to legitimate counter-crime and counter-terrorist cooperation*;

Or. en

Amendment 352

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 26 – point a

Draft motion for a resolution

(a) immediately halt any support to third countries aimed at to enabling them to develop surveillance capabilities or that otherwise facilitate such development;

Amendment

(a) immediately halt any support to third countries aimed at to enabling them to develop *or supply* surveillance capabilities or that otherwise facilitate such development, *including training in the deployment of surveillance software*

Or. en

Amendment 353

Dominik Tarczyński, Beata Kempa

on behalf of the ECR Group

Draft motion for a resolution

Paragraph 26 – point a

Draft motion for a resolution

(a) immediately halt any support to third countries aimed at to enabling them to develop surveillance capabilities ***or that otherwise facilitate such development;***

Amendment

(a) immediately halt any support to third countries aimed at to enabling them to develop surveillance capabilities;

Or. en

Amendment 354

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 26 – point a a (new)

Draft motion for a resolution

Amendment

(a a) immediately halt any actions involving the training of agents of security authorities in third countries in the use of surveillance technology;

Or. en

Amendment 355

Hannes Heide, Sylvie Guillaume, Ivo Hristov, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Paragraph 26 – point b

Draft motion for a resolution

Amendment

(b) develop an appropriate human and fundamental rights impact assessment procedure that fully takes into account Article 51 of the Charter of Fundamental Rights;

(b) develop an appropriate human and fundamental rights impact assessment procedure that fully takes into account Article 51 of the Charter of Fundamental Rights ***in the timeframe of one year after the publication of the PEGA recommendations;***

Or. en

Amendment 356

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 26 – point b

Draft motion for a resolution

(b) develop ***an appropriate*** human and fundamental rights impact assessment procedure that fully takes into account Article 51 of the Charter of Fundamental Rights;

Amendment

(b) develop ***a robust and comprehensive*** human and fundamental rights impact assessment procedure that fully takes into account Article 51 of the Charter of Fundamental Rights;

Or. en

Amendment 357

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 26 – point b

Draft motion for a resolution

(b) ***develop an appropriate*** human and fundamental rights impact assessment procedure ***that*** fully takes into account Article 51 of the Charter of Fundamental Rights;

Amendment

(b) ***review*** human and fundamental rights impact assessment procedure ***and ensure that it*** fully takes into account Article 51 of the Charter of Fundamental Rights;

Or. en

Amendment 358

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 26 – point c

Draft motion for a resolution

(c) ***present*** the human and fundamental rights impact assessment ***procedure to Parliament and the Council;***

Amendment

(c) ***carry out*** the human and fundamental rights impact assessment;

Amendment 359

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 26 – point d

Draft motion for a resolution

(d) carry out the human and fundamental rights impact assessment;

Amendment

(d) carry out the human and fundamental rights impact assessment, ***prior to any support to third countries;***

Or. en

Amendment 360

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 26 – point d

Draft motion for a resolution

(d) ***carry out*** the human and fundamental rights impact assessment;

Amendment

(d) ***present*** the human and fundamental rights impact assessment ***procedure to Parliament and the Council;***

Or. en

Amendment 361

Dragoş Tudorache, Moritz Körner, Róza Thun und Hohenstein, Klemen Grošelj, Ramona Strugariu

Draft motion for a resolution

Paragraph 26 – point d a (new)

Draft motion for a resolution

Amendment

(d a) lead international efforts to set global robust standards of transparency, traceability and accountability on the use of surveillance technology in order to

mitigate abuses and pursue its geopolitical strategy and enhance its own fundamental tools of foreign policy, view the spread and capabilities of new and developing technologies;

Or. en

Amendment 362

Bart Groothuis, Róza Thun und Hohenstein, Ivars Ijabs, Dragoș Tudorache

Draft motion for a resolution

Paragraph 26 – point e

Draft motion for a resolution

(e) discontinue any support to third countries aimed at to enabling them to develop surveillance capabilities or that *otherwise facilitate such development if the respect for human and fundamental rights, including rule of law, protection for democratic principles, politicians, human rights defenders and journalists cannot be guaranteed;*

Amendment

(e) discontinue any support to third countries aimed at to enabling them to develop surveillance capabilities or that *can used for serious violations of* human rights *or that pose a threat to international security or the essential security of the Union and its Members;*

Or. en

Amendment 363

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 26 – point e

Draft motion for a resolution

(e) discontinue any support to third countries aimed at to enabling them to develop surveillance capabilities or that otherwise facilitate such development if the respect for human and fundamental rights, including rule of law, protection *for* democratic principles, politicians, human

Amendment

(e) discontinue any support to third countries aimed at to enabling them to develop surveillance capabilities or that otherwise facilitate such development if the respect for human and fundamental rights, including rule of law, *the right to asylum, and* protection *of* democratic principles,

rights defenders and journalists cannot be guaranteed;

politicians, human rights defenders and journalists cannot be guaranteed;

Or. en

Amendment 364

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution **Paragraph 26 – point e**

Draft motion for a resolution

(e) discontinue any support to third countries aimed at to enabling them to develop surveillance capabilities ***or that otherwise facilitate such development*** if the respect for human and fundamental rights, including rule of law, protection for democratic principles, politicians, human rights defenders and journalists cannot be guaranteed;

Amendment

(e) discontinue any support to third countries aimed at to enabling them to develop surveillance capabilities if the respect for human and fundamental rights, including rule of law, protection for democratic principles, politicians, human rights defenders and journalists cannot be guaranteed;

Or. en

Amendment 365

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution **Paragraph 26 – point e a (new)**

Draft motion for a resolution

(e a) discontinue any support to third countries involving the training of agents of security authorities if the respect for human and fundamental rights, including rule of law, protection for democratic principles, politicians, human rights defenders and journalists cannot be guaranteed;

Or. en

Amendment 366

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 26 – point e a (new)

Draft motion for a resolution

Amendment

(e a) develop procedures and protocols to account for the geopolitical implications of global use of spyware as indicated by the EPRS^{1a}; to include the use of spyware against EU institutions, EU citizens and EU exiles into its security framework and diplomatic practices

^{1a} ***EPRS (2022). Pegasus and the EU's external relations,
[https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU\(2023\)741475](https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU(2023)741475)***

Or. en

Amendment 367

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 26 – point e b (new)

Draft motion for a resolution

Amendment

(e b) to reiterate its commitments to supporting human rights defenders, including through the EU's Guidelines on Human Rights Defenders^{20a} and to review the implementation and follow-up to the Guidelines on Human Rights Defenders in close co-ordination and cooperation with other relevant Council Working Parties in particular in regard to the use of spyware and the findings of the Pegasus Committee of Inquiry of the

Amendment 368

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 26 – point e b (new)

Draft motion for a resolution

Amendment

(e b) support civil society capacities globally to strengthen resilience against spyware attacks, such as Forensic IT labs like the Amnesty Security Lab or Reporters Without Borders' digital security lab as well as initiatives which provide services like hotlines and contact points for at-risk groups, e.g. Frontline Defenders;

Or. en

Amendment 369

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 26 – point e c (new)

Draft motion for a resolution

Amendment

(e c) participate in major multilateral efforts, such as with the UN Special Rapporteur, to develop robust human rights standards governing the development, sale and transfer of surveillance equipment and identify

impermissible targets of digital surveillance;

Or. en

Amendment 370

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 26 – point e c (new)

Draft motion for a resolution

Amendment

(e c) report on the abuse of spyware against human rights defenders in the EU Annual Report on Human Rights and Democracy

Or. en

Amendment 371

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 26 a (new)

Draft motion for a resolution

Amendment

26 a. Considers that the trade in, and hoarding of, undisclosed vulnerabilities in software products is a harmful practice that should be banned; considers it necessary to introduce an obligation on EU and state authorities and legal persons to report any software vulnerability they become aware of to the manufacturer or publisher; further considers it necessary to introduce an obligation on software manufacturers and publishers to close any vulnerabilities they become aware of in the shortest time possible;

Amendment 372

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 26 a (new)

Draft motion for a resolution

Amendment

26 a. Highlights that the documented cases of widespread abuse across the EU and in third countries have shown that the use of Pegasus and equivalent spyware is out of control and considers that certain features of spyware threaten the essence of fundamental rights, democracy and the rule of law;

Or. en

Amendment 373

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 26 b (new)

Draft motion for a resolution

Amendment

26 b. Calls, therefore, for an EU-wide ban on the development, sale, acquisition, transfer, servicing and use of highly intrusive spyware, such as Pegasus, if they are able to perform one or more of the following technical features:

Or. en

Amendment 374

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

**Draft motion for a resolution
Paragraph 26 b (new)**

Draft motion for a resolution

Amendment

26 b. Takes the position of the EDPS that regular deployment of Pegasus or similar highly intrusive spyware technology is not compatible with the EU legal order; also because it would encroach on the right to fair trial;

Or. en

Amendment 375

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

**Draft motion for a resolution
Paragraph 26 c (new)**

Draft motion for a resolution

Amendment

26 c. Takes the view that the EU should adopt a ban on the development and deployment of spyware with the capability of Pegasus or equivalent spyware, in particular those that make use of 'zero-click' technology;

Or. en

Amendment 376

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé
on behalf of the Verts/ALE Group

**Draft motion for a resolution
Paragraph 26 c (new)**

Draft motion for a resolution

Amendment

26 c. (a) unrestricted or unlimited retroactive access into the device and to its

messages, files and data, including metadata;

Or. en

Amendment 377

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 26 d (new)

Draft motion for a resolution

Amendment

26 d. (b) ability to actively create content on the device, including fake messages or other planted evidence;

Or. en

Amendment 378

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 26 e (new)

Draft motion for a resolution

Amendment

26 e. (c) creating recordings or transmissions from the physical environment through the device's sensors, including turning on the device microphone and camera (active monitoring);

Or. en

Amendment 379

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution
Paragraph 26 f (new)

Draft motion for a resolution

Amendment

**26 f. (d) ability to hack and infiltrate
accounts of information society services
via the hacked device;**

Or. en

Amendment 380

**Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield,
Jordi Solé**

on behalf of the Verts/ALE Group

Draft motion for a resolution
Paragraph 26 g (new)

Draft motion for a resolution

Amendment

**26 g. (e) ability to remove traces of its
presence upon uninstallation or when the
device is switched off;**

Or. en

Amendment 381

**Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield,
Jordi Solé**

on behalf of the Verts/ALE Group

Draft motion for a resolution
Paragraph 26 h (new)

Draft motion for a resolution

Amendment

**26 h. (f) ability to anonymise its origin,
including the link between remote
operators and servers;**

Or. en

Amendment 382

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 26 i (new)

Draft motion for a resolution

Amendment

26 i. (g) any other features of spyware that contravene the principle of proportionality should be added to this list

Or. en

Amendment 383

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 26 j (new)

Draft motion for a resolution

Amendment

26 j. Calls on the EU institutions and Member States to work towards an international ban of highly intrusive spyware as described in §26b (new)

Or. en

Amendment 384

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 27

Draft motion for a resolution

Amendment

27. Takes the position that the trade in, and use of spyware needs to be **deleted**

regulated strictly; recognising however, that the legislative process will take considerable time, calls for the immediate adoption of a conditional moratorium on the sale, acquisition, transfer and use of spyware, that must be lifted on a country-by-country basis if the following conditions have been met:

(a) all cases of alleged abuse of spyware are fully investigated and resolved without delay by the appropriate law enforcement, prosecutorial and judicial authorities; and

(b) proof that the framework governing the use of spyware is in line with the standards laid down by the Venice Commission and relevant case-law by the CJEU and ECtHR; and

(c) the explicit commitment to grant any request by Europol pursuant to Art 6(1a) of the Europol Regulation relating to investigations into allegations of illegitimate use of spyware; and

(d) repealing all export licences that are not fully in line with both the letter and the spirit of the Dual-Use Regulation;

Or. en

Amendment 385

Bart Groothuis, Dragoş Tudorache

Draft motion for a resolution

Paragraph 27

Draft motion for a resolution

Amendment

27. *Takes the position that the trade in, and use of spyware needs to be regulated strictly; recognising however, that the legislative process will take considerable time, calls for the immediate adoption of a conditional moratorium on the sale, acquisition, transfer and use of spyware, that must be lifted on a country-by-country basis if the following* **deleted**

conditions have been met:

(a) all cases of alleged abuse of spyware are fully investigated and resolved without delay by the appropriate law enforcement, prosecutorial and judicial authorities; and

(b) proof that the framework governing the use of spyware is in line with the standards laid down by the Venice Commission and relevant case-law by the CJEU and ECtHR; and

(c) the explicit commitment to grant any request by Europol pursuant to Art 6(1a) of the Europol Regulation relating to investigations into allegations of illegitimate use of spyware; and

(d) repealing all export licences that are not fully in line with both the letter and the spirit of the Dual-Use Regulation;

Or. en

Amendment 386

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 27 – introductory part

Draft motion for a resolution

27. Takes the position that the trade in, and use of spyware needs to be regulated strictly; recognising however, that the legislative process will take considerable time, calls for the immediate adoption of a conditional moratorium on the sale, acquisition, transfer and use of spyware, that must be lifted on a country-by-country basis if the following conditions have been met:

Amendment

27. Takes the position that the trade in, and use of spyware needs to be regulated strictly; ***acknowledges the need for EU Member States to continue to use spyware to counter terrorism and in the interests of national security; believes, therefore, that no moratorium should be imposed on use of that kind;*** recognising however, ***for other uses,*** that the legislative process will take considerable time, calls for the immediate adoption of a conditional moratorium on the sale, acquisition, transfer and use of spyware, that must be lifted on a country-by-country basis if the following conditions have been met:

Amendment 387

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 27 – introductory part

Draft motion for a resolution

27. Takes the position that the trade in, **and use of** spyware needs to be regulated **strictly; recognising however, that the legislative process will take considerable time, calls for the immediate adoption of a conditional moratorium on the sale, acquisition, transfer and use of spyware, that must be lifted on a country-by-country basis if the following conditions have been met:**

Amendment

27. Takes the position that the trade in spyware needs to be **better** regulated **et EU level;**

Amendment 388

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé
on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 27 – introductory part

Draft motion for a resolution

27. Takes the position that the trade in, and use **of spyware** needs to be regulated strictly; recognising however, that the legislative process will take considerable time, calls for the immediate adoption of a conditional moratorium on the **sale**, acquisition, transfer and use of spyware, that must be lifted on a country-by-country basis **if** the following conditions have been met:

Amendment

27. Takes the position that **for less intrusive types of spyware, not fulfilling any of the technical criteria set out above in 26b (new),** the trade in, and use **thereof** needs to be regulated strictly; recognising however, that the legislative process will take considerable time, calls for the immediate adoption of a conditional moratorium on the **development, sale, export**, acquisition, transfer, **servicing** and use of spyware, that must be lifted on a

country-by-country basis, *by decision of the joint Commission and Parliament oversight body, outlined in 28b (new), if all of* the following conditions have been met:

Or. en

Amendment 389

Carles Puigdemont i Casamajó

Draft motion for a resolution

Paragraph 27 – introductory part

Draft motion for a resolution

27. Takes the position that the trade in, and use of spyware needs to be **regulated strictly**; recognising however, that the legislative process will take considerable time, calls for the immediate adoption of a conditional moratorium on the sale, acquisition, transfer and use of spyware, that must be lifted on a country-by-country basis if the following conditions have been met:

Amendment

27. Takes the position that the trade in, and use of spyware needs to be **forbidden as it structurally violates fundamental rights and there is no real way to control its use against political opponents** ; recognising however, that the legislative process will take considerable time, calls for the immediate adoption of a conditional moratorium on the sale, acquisition, transfer and use of spyware, that must be lifted on a country-by-country basis if the following conditions have been met:

Or. en

Amendment 390

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 27 – introductory part

Draft motion for a resolution

27. Takes the position that the trade in, and use of spyware needs to be regulated strictly; recognising however, that the legislative process will take considerable time, calls **for the immediate adoption of a**

Amendment

27. Takes the position that the trade in, and use of spyware needs to be regulated strictly; recognising however, that the legislative process will take considerable time, calls **on all relevant actors to use**

conditional moratorium on the sale, acquisition, transfer and use of spyware, that must be lifted on a country-by-country basis if the following conditions have been met:

available legal and institutional means to ensure that:

Or. en

Amendment 391

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 27 – introductory part

Draft motion for a resolution

27. Takes the position that the trade in, and use of spyware needs to be ***regulated strictly; recognising*** however, that the legislative process will take considerable time, calls for the immediate adoption of a conditional moratorium on the sale, acquisition, transfer and use of spyware, that must be lifted on a country-by-country basis if the following conditions have been met:

Amendment

27. Takes the position that the trade in, and use of spyware needs to be ***banned recognising*** however, that the legislative process will take considerable time, calls ***therefore*** for the immediate adoption of a conditional moratorium on the sale, acquisition, transfer and use of spyware, that must ***only*** be lifted on a country-by-country basis if the following conditions have been met:

Or. en

Amendment 392

Hannes Heide, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar, Katarina Barley

Draft motion for a resolution

Paragraph 27 – introductory part

Draft motion for a resolution

27. Takes the position that the trade in, and use of spyware needs to be regulated strictly; recognising however, that the legislative process ***will take considerable time***, calls for the ***immediate*** adoption of a conditional moratorium on the sale, acquisition, transfer and use of spyware,

Amendment

27. Takes the position that the trade in, and use of spyware needs to be regulated strictly; recognising however, that the legislative process ***may take time***; calls for the adoption of a conditional moratorium ***at European level*** on the sale, acquisition, transfer and use of spyware ***that would be***

that must be lifted on a country-by-country basis if the following conditions have been met:

lifted on a country-by-country basis if the following conditions have been met:

Or. en

Amendment 393

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 27 – point a

Draft motion for a resolution

Amendment

(a) all cases of alleged abuse of spyware are fully investigated and resolved without delay by the appropriate law enforcement, prosecutorial and judicial authorities; and

deleted

Or. en

Amendment 394

Christine Anderson

Draft motion for a resolution
Paragraph 27 – point a

Draft motion for a resolution

Amendment

(a) all cases of alleged abuse of spyware are fully investigated *and* resolved without delay by the appropriate law enforcement, prosecutorial and judicial authorities;

(a) all cases of alleged abuse of spyware are fully investigated, resolved without delay *and subsequently published* by the appropriate law enforcement, prosecutorial and judicial authorities; *and*

Or. de

Amendment 395

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 27 – point a

Draft motion for a resolution

(a) all cases of alleged abuse of spyware are fully investigated ***and resolved without delay*** by the appropriate law enforcement, prosecutorial and judicial authorities; and

Amendment

(a) all cases of alleged abuse of spyware are fully investigated by the appropriate law enforcement, prosecutorial and judicial authorities; and

Or. fr

Amendment 396

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution **Paragraph 27 – point b**

Draft motion for a resolution

(b) ***proof that the framework governing the use of spyware is in line with the standards laid down by the Venice Commission and relevant case-law by the CJEU and ECtHR; and***

Amendment

deleted

Or. en

Amendment 397

Hannah Neumann, Saskia Bricmont, Diana Riba i Giner, Gwendoline Delbos-Corfield, Jordi Solé
on behalf of the Verts/ALE Group

Draft motion for a resolution **Paragraph 27 – point b**

Draft motion for a resolution

(b) proof that the framework governing the use of spyware is in line with the standards laid down by the Venice Commission and relevant case-law by the CJEU and ECtHR; and

Amendment

(b) proof that the framework governing the use of spyware is in line with ***obligations set out under para 29, including*** the standards laid down by the Venice Commission and relevant case-law by the CJEU and ECtHR; and

Amendment 398

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution

Paragraph 27 – point b

Draft motion for a resolution

(b) ***proof*** that the framework governing the use of spyware is in line with the standards laid down by the Venice Commission and relevant case-law by the CJEU and ECtHR; and

Amendment

(b) ***they prove*** that the framework governing the use of spyware is in line with the standards laid down by the Venice Commission and relevant case-law by the CJEU and ECtHR; and

Amendment 399

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 27 – point c

Draft motion for a resolution

(c) ***the explicit commitment to grant any request by Europol pursuant to Art 6(1a) of the Europol Regulation relating to investigations into allegations of illegitimate use of spyware; and***

Amendment

deleted

Amendment 400

Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 27 – point c

Draft motion for a resolution

Amendment

(c) the explicit commitment to grant any request by Europol pursuant to Art 6(1a) of the Europol Regulation relating to investigations into allegations of illegitimate use of spyware; and *deleted*

Or. en