



PE742.486v01-00

13.2.2023

AMENDMENTS

401 - 805

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 401

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

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

(c) the explicit commitment to **involve** Europol pursuant to **Articles 4 and 5** of the Europol Regulation relating to investigations into allegations of illegitimate use of spyware; and

Or. en

Amendment 402

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

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

(c) the explicit commitment to **involve** Europol pursuant to **Articles 4 and 5** of the Europol Regulation relating to investigations into allegations of illegitimate use of spyware; and

Or. en

Amendment 403

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 27 – point d

Draft motion for a resolution

(d) **repealing all export licences that are not fully in line with both the letter**

Amendment

deleted

and the spirit of the Dual-Use Regulation;

Or. en

Amendment 404

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

Draft motion for a resolution

Paragraph 27 – point d

Draft motion for a resolution

(d) repealing all export licences that are not fully in line with both the letter and the spirit of the Dual-Use Regulation;

Amendment

(d) repealing all export licences that are not fully in line with both the letter and the spirit of the Dual-Use Regulation *or the Wassenaar arrangement*;

Or. en

Amendment 405

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

Draft motion for a resolution

Paragraph 27 – point d

Draft motion for a resolution

(d) *repealing* all export licences that are not fully in line with both the letter and the spirit of the Dual-Use Regulation;

Amendment

(d) all export licences that are not fully in line with both the letter and the spirit of the Dual-Use Regulation *are repealed*;

Or. en

Amendment 406

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

Draft motion for a resolution

Paragraph 27 – point d

Draft motion for a resolution

Amendment

(d) repealing all export licences that are not fully in line with *both the letter and the spirit of the Dual-Use* Regulation;

(d) repealing all export licences that are not fully in line with *the Dual-use* Regulation;

Or. en

Amendment 407

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

**Draft motion for a resolution
Paragraph 27 – point d a (new)**

Draft motion for a resolution

Amendment

(da) Points out that the advantages and disadvantages of such a conditional moratorium should be weighed sensitively, fundamental rights must be preserved and a possible implementation should entail a strict proportionality assessment;

Or. en

Amendment 408

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 d a (new)**

Draft motion for a resolution

Amendment

(da) (e) fulfil the obligation to report security vulnerabilities to providers with no exception and ensure a legal framework under which vulnerability research is not only legal but also incentivized; and

Or. en

Amendment 409

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 d b (new)

Draft motion for a resolution

Amendment

(db) (f) a Union Teb Lab, which has the capability to research vulnerabilities and address abuses of spyware including performing checks on citizens' phones, has been established

Or. en

Amendment 410

Dominik Tarczyński, Beata Kempa

on behalf of the ECR Group

Draft motion for a resolution

Paragraph 28

Draft motion for a resolution

Amendment

28. *Considers that the fulfilment of the conditions must be assessed by the Commission;* ***deleted***

Or. en

Amendment 411

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 28

Draft motion for a resolution

Amendment

28. *Considers that the fulfilment of the conditions must be assessed by the Commission;* ***deleted***

Amendment 412

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 28

Draft motion for a resolution

28. Considers that the fulfilment of the conditions must be assessed by *the* Commission;

Amendment

28. Considers that the fulfilment of the conditions must be assessed by *a joint Commission and Parliament oversight body on spyware use, as set out in the following paragraph;*

Or. en

Amendment 413

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

Draft motion for a resolution

Paragraph 28

Draft motion for a resolution

28. Considers that the fulfilment of the conditions must be assessed by the Commission;

Amendment

28. Considers that the fulfilment of the conditions must be assessed by the Commission; *the findings of the assessment shall be published in a report;*

Or. en

Amendment 414

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 28 – subparagraph 1 (new)

Draft motion for a resolution

Amendment

Oversight mechanisms at national and EU level

Or. en

Amendment 415

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

**Draft motion for a resolution
Paragraph 28 a (new)**

Draft motion for a resolution

Amendment

28a. Stresses that while fighting serious crime, and the ability to do so is critically important for Member States, the protection of fundamental rights and democracy is essential. The use of spyware by Member States must be proportionate, must not be arbitrary, and surveillance must only be authorised in narrowly, pre-determined circumstances. Effective ex-ante mechanisms to ensure judicial oversight is critical to protecting individual freedoms. Individual rights cannot be put at risk by unfettered access to surveillance. The ability of the judiciary to perform meaningful and effective ex-post oversight in the area of requests for surveillance for national security is also important, to ensure that disproportionate use of spyware by governments can be challenged;

Or. en

Amendment 416

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

Draft motion for a resolution

Paragraph 28 a (new)

Draft motion for a resolution

Amendment

28a. *Calls on the European Commission to bring forth a project for an interdisciplinary study centre focusing on research, digital forensic analysis and the development of appropriate digital tools to ensure proper security audit on the use of spyware programmes and, more generally, promote protection of human rights and privacy in relation to spyware technologies. This engagement platform, as an independent structure, should work with experts, academia and civil society representatives, as well as be open to participation by Member States experts and institutions;*

Or. en

Amendment 417

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 28 a (new)

Draft motion for a resolution

Amendment

28a. *Calls for the establishment of national scrutiny bodies or the strengthening of existing entities in all Member States responsible for ex-post assessment of spyware use; underlines that these bodies should base their assessment on the rules and standards set out in §29 and the recommendations on intelligence oversight by the Fundamental Rights Agency^{1a}*

^{1a} *FRA (2017). Surveillance by intelligence services: fundamental rights safeguards and remedies in the EU -*

Amendment 418

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

**Draft motion for a resolution
Paragraph 28 b (new)**

Draft motion for a resolution

Amendment

28b. Calls on the European Commission to propose a European harmonised regime on the development, transaction and use of spyware and other invasive technologies in order to assist Member States in the development of a robust legal framework that will ensure transparency, accountability and full compliance with the rule of law and fundamental rights;

Amendment 419

**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 28 b (new)**

Draft motion for a resolution

Amendment

28b. Considers that due to the transnational and EU-dimension of the use of spyware, coordinated and transparent scrutiny at EU-level is necessary; therefore calls for the

following measures:

Or. en

Amendment 420

**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 28 c (new)

Draft motion for a resolution

Amendment

28c. (a) regular reporting on the use of spyware by deploying authorities to the appropriate national scrutiny body, which should include all necessary anonymized information, at a minimum the following: number of deployments per target/device, type of spyware and capabilities used (e.g. monitoring online communication, extracting location data), authority responsible for carrying out the operations, type of device impacted, length of the operations, category of crimes and area of profession of the target;

Or. en

Amendment 421

**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 28 d (new)

Draft motion for a resolution

Amendment

28d. (b) regular, at least annual, reporting by the Member States to the Commission on the information reported to the national scrutiny bodies and to make public such information in an

annual report that allows the comparison of spyware use in the Member States; calls on the Commission to include this information in its annual rule of law reports;

Or. en

Amendment 422

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 28 e (new)

Draft motion for a resolution

Amendment

28e. (c) the Commission should engage in the establishment of a joint Commission/Parliament oversight body to scrutinise the use of spyware by EU-based actors, taking into account the information provided by national scrutiny bodies; the Commission should at minimum once a year report on its findings to the body, taking also into account relevant reporting published by e.g. civil society, academia and journalists on the topic; the joint Commission/Parliament oversight body should assess the fulfilment of the above mentioned conditions under para 27 and subsequently decide on the lifting or reinstatement of the conditional moratorium on individual Member States;

Or. en

Amendment 423

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 28 f (new)

Draft motion for a resolution

Amendment

28f. *Considers that the Commission should ban the sale of “hacking as a service” in the EU, taking into account that only the interception and extraction technology itself may be sold by companies in the EU and acquired by EU Member States; underlines that companies applying to be public suppliers should undergo a vetting process which includes the company’s response to human rights violations committed with their software;*

Or. en

Amendment 424

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 29 – introductory part

Draft motion for a resolution

Amendment

29. Considers that there is a clear need for common EU standards regulating the use of spyware by Member State bodies, drawing from standards laid down by the CJEU, ECtHR and the Venice Commission; considers that such EU standards should cover at least the following elements:

29. Considers that there is a clear need for common EU standards regulating the ***development, sale, transfer, export and use of spyware by Member State bodies, as well as the servicing of spyware based in the EU and imports from companies in third countries***, drawing from standards laid down by the CJEU, ECtHR and the Venice Commission; considers that such EU standards should cover at least the following elements:

Or. en

Amendment 425

Dominik Tarczyński, Beata Kempa

on behalf of the ECR Group

Draft motion for a resolution
Paragraph 29 – introductory part

Draft motion for a resolution

29. Considers that ***there is a clear need for common EU*** standards regulating the use of spyware by Member State bodies, ***drawing from standards laid down by the CJEU, ECtHR and the Venice Commission; considers that such EU standards*** should cover at least the following elements:

Amendment

29. Considers that standards regulating the use of spyware by Member State bodies should cover at least the following elements:

Or. en

Amendment 426

Róża Thun und Hohenstein, Bart Groothuis

Draft motion for a resolution
Paragraph 29 – introductory part

Draft motion for a resolution

29. Considers that there is a clear need for common EU standards regulating the use of spyware by ***Member State*** bodies, drawing from standards laid down by the CJEU, ECtHR and the Venice Commission; considers that such EU standards should cover at least the following elements:

Amendment

29. Considers that there is a clear need for common EU standards regulating the use of spyware by ***law enforcement and intelligence*** bodies, drawing from standards laid down by the CJEU, ECtHR and the Venice Commission; considers that such EU standards should cover at least the following elements:

Or. en

Amendment 427

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 29 – introductory part

Draft motion for a resolution

Amendment

29. Considers that *there is a clear need for* common EU standards regulating the use of spyware by Member State bodies, drawing from standards laid down by the CJEU, ECtHR and the Venice Commission; considers that such EU standards should cover at least the following elements:

29. Considers that *it would be useful to have* common EU standards regulating the use of spyware by Member State bodies, drawing from standards laid down by the CJEU, ECtHR and the Venice Commission; considers that such EU standards should cover at least the following elements:

Or. fr

Amendment 428

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 29 – point a

Draft motion for a resolution

(a) the envisaged use of spyware must be subject to an effective and meaningful ex ante judicial authorisation *by an impartial and independent* judicial authority, having access to all relevant information, demonstrating the necessity and proportionality of the envisaged measure;

Amendment

(a) the envisaged use of spyware must be subject to an effective and meaningful ex ante judicial authorisation *for every single use and target, regardless of the severity of the crime or exception of grounds, such as national security, and must be performed by a judicial authority that is legally and practically independent from the requesting organisation*, having access to all relevant information, demonstrating the necessity and proportionality of the envisaged measure, *including demonstrating why less intrusive surveillance methods did not suffice and therefore could not be used instead*;

Or. en

Amendment 429

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 29 – point a

Draft motion for a resolution

(a) the envisaged use of spyware must be subject to an effective and meaningful ex ante judicial authorisation by an impartial and independent judicial authority, having access to all relevant information, demonstrating the necessity and proportionality of the envisaged measure;

Amendment

(a) ***except in the event of counter-terrorism or national security emergencies***, the envisaged use of spyware must be subject to an effective and meaningful ex ante judicial authorisation by an impartial and independent judicial authority, having access to all relevant information, demonstrating the necessity and proportionality of the envisaged measure;

Or. fr

Amendment 430

Dragoş Tudorache, Moritz Körner, Klemen Grošelj, Ramona Strugariu

Draft motion for a resolution

Paragraph 29 – point a

Draft motion for a resolution

(a) the envisaged use of spyware must be subject to an effective and meaningful ex ante judicial authorisation by an impartial and independent judicial authority, having access to all relevant information, demonstrating the necessity and proportionality of the envisaged measure;

Amendment

(a) the envisaged use of spyware must ***be authorised only in exceptional and specific cases in order to protect national security and*** be subject to an effective and meaningful ex ante judicial authorisation by an impartial and independent judicial authority, having access to all relevant information, demonstrating the necessity and proportionality of the envisaged measure;

Or. en

Amendment 431

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

Draft motion for a resolution

Paragraph 29 – point a

Draft motion for a resolution

(a) the envisaged use of spyware must be subject to an effective and meaningful ex ante judicial authorisation by an impartial and independent judicial authority, having access to all relevant information, demonstrating the necessity and proportionality of the envisaged measure;

Amendment

(a) the envisaged use of spyware must be subject to an effective, **binding** and meaningful ex ante judicial authorisation by an impartial and independent judicial authority, **and/or other independent democratic oversight body** having access to all relevant information, demonstrating the necessity and proportionality of the envisaged measure;

Or. en

Amendment 432

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

Draft motion for a resolution

Paragraph 29 – point a

Draft motion for a resolution

(a) the envisaged use of spyware must be subject to an effective and meaningful ex ante judicial authorisation by an impartial and independent judicial authority, having access to all relevant information, demonstrating the necessity and proportionality of the envisaged measure;

Amendment

(a) the envisaged **exceptional** use of spyware must be subject to an effective and meaningful ex ante judicial authorisation by an impartial and independent judicial authority, having access to all relevant information, demonstrating the necessity and proportionality of the envisaged measure;

Or. en

Amendment 433

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 29 – point a

Draft motion for a resolution

(a) the envisaged use of spyware must be subject to an effective **and meaningful ex ante** judicial authorisation by an

Amendment

(a) the envisaged use of spyware must be subject to an effective judicial authorisation by an impartial and

impartial and independent judicial authority, having access to all relevant information, demonstrating the necessity and proportionality of the envisaged measure;

independent judicial authority, having access to all relevant information, demonstrating the necessity and proportionality of the envisaged measure;

Or. en

Amendment 434

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 29 – point b

Draft motion for a resolution

(b) the targeting with spyware should only last as long as is strictly necessary, ***the judicial authorisation beforehand should define the precise scope and duration and the hacking may only be extended when further judicial authorisation is granted for another specified duration, given the nature of spyware and the possibility of retroactive surveillance;***

Amendment

(b) the targeting with spyware should only last as long as is strictly necessary;

Or. fr

Amendment 435

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 29 – point b

Draft motion for a resolution

(b) the targeting with spyware should only last as long as is strictly necessary, ***the judicial authorisation beforehand should define the precise scope and duration and the hacking may only be extended when further judicial authorisation is granted for another specified duration, given the nature of spyware and the possibility of***

Amendment

(b) the targeting with spyware should only last as long as is strictly necessary;

retroactive surveillance;

Or. en

Amendment 436

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 29 – point b

Draft motion for a resolution

(b) the targeting with spyware should only last as long as is strictly necessary, the judicial authorisation beforehand should define the precise scope and duration and the hacking may only be extended when further judicial authorisation is granted for another specified duration, given the nature of spyware and the possibility of retroactive surveillance;

Amendment

(b) the targeting with spyware should only last as long as is strictly necessary, the judicial authorisation beforehand should define the precise scope and duration ***for every device accessed*** and the hacking may only be extended when further judicial authorisation is granted for another specified duration, given the nature of spyware and the possibility of retroactive surveillance; ***Member State authorities should further only target individual end-user devices or accounts and refrain from hacking internet and technology service providers to avoid affecting non-targeted users;***

Or. en

Amendment 437

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

Draft motion for a resolution

Paragraph 29 – point b

Draft motion for a resolution

(b) the targeting with spyware should only last as long as is strictly necessary, the judicial authorisation beforehand should define the precise scope and duration and ***the hacking*** may only be extended when

Amendment

(b) the ***exceptional*** targeting with spyware should only last as long as is strictly necessary, the judicial authorisation beforehand should define the precise scope and duration and may only be extended

further judicial authorisation is granted for another specified duration, given the nature of spyware and the possibility of retroactive surveillance;

when further judicial authorisation is granted for another specified duration, given the nature of spyware and the possibility of retroactive surveillance;

Or. en

Amendment 438

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution **Paragraph 29 – point c**

Draft motion for a resolution

Amendment

(c) the authorisation for the use of spyware may only be granted with respect to investigations into a limited and closed list of crimes, and spyware may only be used towards persons in relation to which there is sufficient indications that they have committed or are planning to commit such crimes;

deleted

Or. en

Amendment 439

Dragoş Tudorache, Moritz Körner, Klemen Grošelj, Ramona Strugariu

Draft motion for a resolution **Paragraph 29 – point c**

Draft motion for a resolution

Amendment

(c) the authorisation for the use of spyware may only be granted with respect to investigations into a limited **and closed list of** crimes, and spyware may only be used towards persons in relation to which there is sufficient indications that they have committed or are planning to commit such **crimes**;

(c) the authorisation for the use of spyware may only be granted **in exceptional cases** with respect to investigations into a limited **type of serious crimes that represent a genuine threat to national security**, and spyware may only be used towards persons in relation to which there is sufficient indications that they have committed or are planning to commit such **serious criminal offences**;

Amendment 440

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 29 – point c

Draft motion for a resolution

(c) the authorisation for the use of spyware may only be granted with respect to investigations ***into a limited and closed list of crimes, and spyware may only be used towards*** persons ***in relation to which*** there is sufficient indications that they ***have committed or are planning to commit such crimes;***

Amendment

(c) the authorisation for the use of spyware may only be granted with respect to investigations ***of*** persons ***where*** there is sufficient indications that they ***pose a threat with regards to the following closed list of cases:***

Amendment 441

Sophia in 't Veld

Draft motion for a resolution

Paragraph 29 – point c

Draft motion for a resolution

(c) the authorisation for the use of spyware may only be granted with respect to investigations into a limited and closed list of crimes, and spyware may only be used towards persons in relation to which there is sufficient indications that they have committed or are planning to commit such crimes;

Amendment

(c) the authorisation for the use of spyware may only be granted with respect to investigations into a limited and closed list of ***clearly and precisely defined*** crimes, and spyware may only be used towards persons in relation to which there is sufficient indications that they have committed or are planning to commit such crimes;

Amendment 442

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

Draft motion for a resolution

Paragraph 29 – point c

Draft motion for a resolution

(c) the authorisation for the use of spyware may only be granted with respect to investigations into a limited and closed list of crimes, and spyware may only be used towards persons in relation to which there is sufficient indications that they have committed or are planning to commit such crimes;

Amendment

(c) the **exceptional** authorisation for the use of spyware may only be granted with respect to investigations into a limited and closed list of crimes, and spyware may only be used towards persons in relation to which there is sufficient indications that they have committed or are planning to commit such crimes;

Or. en

Amendment 443

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

Draft motion for a resolution

Paragraph 29 – point c

Draft motion for a resolution

(c) the authorisation for the use of spyware may only be granted with respect to investigations into a limited **and closed** list of crimes, and spyware may only be used towards persons in relation to which there is sufficient indications that they have committed or are planning to commit such crimes;

Amendment

(c) the authorisation for the use of spyware may only be granted with respect to investigations into a limited list of crimes, and spyware may only be used towards persons in relation to which there is sufficient indications that they have committed or are planning to commit such crimes;

Or. en

Amendment 444

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 29 – point c – point i (new)

Draft motion for a resolution

Amendment

(i) *imminent terrorist threat*

Or. en

Amendment 445

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 29 – point c – point ii (new)

Draft motion for a resolution

Amendment

(ii) *prevention of an imminent and serious threat to the public security of a Member State or a third country;*

Or. en

Amendment 446

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 29 – point c – point iii (new)

Draft motion for a resolution

Amendment

(iii) *prevention of an imminent and serious threat to national security;*

Or. en

Amendment 447

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 29 – point d

Draft motion for a resolution

Amendment

(d) there should be a non-exhaustive but binding list of privileged and sensitive professions, such as lawyers, journalists, politicians, and doctors that may not be targeted by spyware;

deleted

Or. fr

Amendment 448

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 29 – point d

Draft motion for a resolution

Amendment

(d) there should be a non-exhaustive but binding list of privileged and sensitive professions, such as lawyers, journalists, politicians, and doctors that may not be targeted by spyware;

deleted

Or. en

Amendment 449

Moritz Körner, Róza Thun und Hohenstein

Draft motion for a resolution
Paragraph 29 – point d

Draft motion for a resolution

Amendment

(d) there should be a non-exhaustive but binding list of privileged and sensitive professions, such as lawyers, journalists, politicians, and doctors that may not be targeted by spyware;

(d) data, which is protected by privileges or immunities referring to categories of persons (such as politicians, doctors, etc.) or specifically protected relationships (such as lawyer-client privilege) or rules on the determination and limitation of criminal liability relating to the freedom of the press and the

*freedom of expression in other media, must not be sought through spyware; there should be a non-exhaustive but binding list of **such** privileged and sensitive **categories of persons and relationships**;*

Or. en

Amendment 450

Hannes Heide, Thijs Reuten, Ibán García Del Blanco, Juan Fernando López Aguilar

Draft motion for a resolution

Paragraph 29 – point d

Draft motion for a resolution

(d) there should be a non-exhaustive **but binding** list of privileged and sensitive professions, such as lawyers, journalists, politicians, **and** doctors that may not be targeted by spyware;

Amendment

(d) there should be a non-exhaustive list of privileged and sensitive professions, **especially those abiding by a duty of professional secrecy or enjoying the right of immunity**, such as lawyers, journalists, politicians, doctors **and priests** that may not be targeted by spyware **in principle, unless there are sufficient grounds established under judicial oversight, confirming the involvement in criminal activities or national security matters, which should be subject to a common framework (paragraph 36 below)**;

Or. en

Amendment 451

Dragoş Tudorache, Klemen Grošelj, Ramona Strugariu

Draft motion for a resolution

Paragraph 29 – point d

Draft motion for a resolution

(d) there should be a non-exhaustive but binding list of privileged and sensitive professions, such as lawyers, journalists, politicians, and doctors that may not be

Amendment

(d) there should be a non-exhaustive but binding list of privileged and sensitive professions, such as lawyers, journalists, politicians, and doctors that may not be

targeted by spyware;

targeted by spyware, *unless there is reasonable ground for suspecting that an investigation pertinent to national security is needed and that concrete and legally admissible evidence will be found;*

Or. en

Amendment 452

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

Draft motion for a resolution Paragraph 29 – point d

Draft motion for a resolution

(d) there *should* be a non-exhaustive but binding list of privileged and sensitive professions, *such as lawyers, journalists, politicians, and doctors that may not be targeted by spyware;*

Amendment

(d) there *could* be a non-exhaustive but binding list of privileged and sensitive professions, *unless there are sufficient grounds established under judicial oversight, confirming the involvement in criminal activities or national security matters, which should be subject to a common framework;*

Or. en

Amendment 453 Sophia in 't Veld

Draft motion for a resolution Paragraph 29 – point d

Draft motion for a resolution

(d) there should be a non-exhaustive but binding list of privileged and sensitive professions, such as lawyers, journalists, politicians, *and* doctors that may not be targeted by spyware;

Amendment

(d) there should be a non-exhaustive but binding list of privileged and sensitive professions, such as lawyers, journalists, politicians, doctors *and any other profession where the use of spyware would form a severe risk to democratic processes,* that may not be targeted by spyware;

Amendment 454
Bart Groothuis, Dragoş Tudorache

Draft motion for a resolution
Paragraph 29 – point d

Draft motion for a resolution

(d) there should be a non-exhaustive but binding list of privileged and sensitive professions, such as lawyers, journalists, politicians, and doctors that may not be targeted by spyware;

Amendment

(d) there should be a non-exhaustive but binding list of privileged and sensitive professions, such as lawyers, journalists, politicians, and doctors that may not be targeted by spyware, ***unless legally justified and authorized under extraordinary circumstances;***

Or. en

Amendment 455
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 29 – point d

Draft motion for a resolution

(d) there should be a ***non-exhaustive but binding list of privileged and sensitive professions, such as lawyers, journalists, politicians, and doctors that may not be targeted by spyware;***

Amendment

(d) there should be a ***general ban, with no exceptions, on hacking and spyware operations that violate professional secrecy and legal professional privilege by accessing protected material and confidential communications***

Or. en

Amendment 456
Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution

Paragraph 29 – point d

Draft motion for a resolution

(d) there should be a non-exhaustive but binding list of privileged and sensitive professions, such as lawyers, journalists, politicians, and doctors that may not be targeted by spyware;

Amendment

(d) there should be a non-exhaustive but binding list of privileged and sensitive professions, such as lawyers, journalists, politicians, **human rights defenders** and doctors that may not be targeted by spyware;

Or. en

Amendment 457

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution Paragraph 29 – point e

Draft motion for a resolution

(e) specific rules must be drawn up for surveillance with spyware technology given that it allows for unlimited retroactive access to messages, files and metadata;

Amendment

deleted

Or. en

Amendment 458

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 29 – point e

Draft motion for a resolution

(e) specific rules must be drawn up for surveillance with spyware technology given that it allows for unlimited retroactive access to messages, files and metadata;

Amendment

deleted

Amendment 459

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

Draft motion for a resolution

Paragraph 29 – point e

Draft motion for a resolution

(e) specific rules must be drawn up for surveillance with spyware technology given that it allows for unlimited retroactive access to messages, files and metadata;

Amendment

(e) specific rules must be drawn up for **exceptional** surveillance with spyware technology given that it allows for unlimited retroactive access to messages, files and metadata; **the oversight of surveillance measures must be strengthened;**

Amendment 460

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 29 – point f

Draft motion for a resolution

(f) Member States should publish, as a minimum, the number of requests for surveillance approved and rejected, and the type and purpose of the investigation and anonymously register each investigation in a national register with a unique identifier so that it can be investigated in case of suspicions of abuse;

Amendment

deleted

Amendment 461

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

Draft motion for a resolution
Paragraph 29 – point f

Draft motion for a resolution

(f) Member States should **publish**, as a minimum, the number of requests for surveillance approved and rejected, and the type and purpose of the investigation and anonymously register each investigation in a national register with a unique identifier so that it can be investigated in case of suspicions of abuse;

Amendment

(f) **where prudent**, Member States should **register**, as a minimum, the number of requests for surveillance approved and rejected, and the type and purpose of the investigation and anonymously register each investigation in a national register with a unique identifier so that it can be investigated **by the appropriate oversight authorities** in case of suspicions of abuse; **this register will enjoy a degree of secrecy in line with the legislation of each State on the disclosure and protection of official secrets**

Or. en

Amendment 462

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 29 – point g

Draft motion for a resolution

(g) **the right of notification for the targeted citizen**: after the surveillance has ended, the authorities should notify the citizen of the fact that they were subject to the use of spyware by the authorities, including information regarding the date and duration of the surveillance, the warrant issued for the surveillance operation, data obtained, information on how that data has been used and by which actors as well as the date of deletion of the data; **notes that such notification should be done without undue delay, unless an independent judicial authority grants delay of notification, in which case**

Amendment

(g) after the surveillance has ended, the authorities should notify the citizen of the fact that they were subject to the use of spyware by the authorities, including information regarding the date and duration of the surveillance, the warrant issued for the surveillance operation, data obtained, information on how that data has been used and by which actors as well as the date of deletion of the data; **derogations from the above should only be possible where notification would seriously jeopardize ongoing criminal proceedings**;

immediate notification would seriously
jeopardise the purpose of the surveillance;

Or. en

Amendment 463

**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 29 – point g

Draft motion for a resolution

(g) the right of notification for the targeted *citizen*: after the surveillance has ended, the authorities should notify the *citizen* of the fact that they were subject to the use of spyware by the authorities, including information regarding the date and duration of the surveillance, the warrant issued for the surveillance operation, data obtained, information on how that data has been used and by which actors *as well as* the date of deletion of the data; notes that such notification should be done without undue delay, unless an independent judicial authority grants delay of notification, in which case immediate notification would seriously jeopardise the purpose of the surveillance;

Amendment

(g) the right of notification for the targeted *person*: after the surveillance has ended, the authorities should notify the *person* of the fact that they were subject to the use of spyware by the authorities, including information regarding the date and duration of the surveillance, the warrant issued for the surveillance operation, data obtained, information on how that data has been used and by which actors, the date of deletion of the data *as well as the right and modalities to seek administrative and judicial remedies before competent authorities*; notes that such notification should be done without undue delay, unless an independent judicial authority grants delay of notification, in which case immediate notification would seriously jeopardise the purpose of the surveillance;

Or. en

Amendment 464

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

Draft motion for a resolution

Paragraph 29 – point g

Draft motion for a resolution

(g) the right of notification for the targeted citizen: after the surveillance has ended, the authorities should notify the citizen of the fact that they were subject to the use of spyware by the authorities, including information regarding the date and duration of the surveillance, the warrant issued for the surveillance operation, data obtained, information on how that data has been used and by which actors as well as the date of deletion of the data; notes that such notification should be done without undue delay, unless an independent judicial authority grants delay of notification, in which case immediate notification would seriously jeopardise the purpose of the surveillance;

Amendment

(g) ***save for in exceptional circumstances***, the right of notification for the targeted citizen: after the surveillance has ended, the authorities should notify the citizen, ***once proven innocent or exempt from criminal proceedings***, of the fact that they were subject to the use of spyware by the authorities, including information regarding the date and duration of the surveillance, the warrant issued for the surveillance operation, data obtained, information on how that data has been used and by which actors as well as the date of deletion of the data; notes that such notification should be done without undue delay, unless an independent judicial authority grants delay of notification, in which case immediate notification would seriously jeopardise the purpose of the surveillance;

Or. en

Amendment 465

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

Draft motion for a resolution

Paragraph 29 – point g

Draft motion for a resolution

(g) the right of notification for the targeted ***citizen***: after the surveillance has ended, the authorities should notify the citizen of the fact that they were subject to the use of spyware by the authorities, including information regarding the date and duration of the surveillance, the warrant issued for the surveillance operation, data obtained, information on how that data has been used and by which actors as well as the date of deletion of the data; notes that such notification should be done without undue delay, unless an

Amendment

(g) the right of notification for the ***person*** targeted: after the surveillance has ended, the authorities should notify the citizen of the fact that they were subject to the use of spyware by the authorities, including information regarding the date and duration of the surveillance, the warrant issued for the surveillance operation, data obtained, information on how that data has been used and by which actors as well as the date of deletion of the data; notes that such notification should be done without undue delay, unless an

independent judicial authority grants delay of notification, in which case immediate notification would seriously jeopardise the purpose of the surveillance;

independent judicial authority grants delay of notification, in which case immediate notification would seriously jeopardise the purpose of the surveillance;

Or. en

Amendment 466

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 29 – point g a (new)

Draft motion for a resolution

Amendment

(ga) the right of notification for non-targeted persons whose data were accessed: after the surveillance has ended, the authorities should notify the persons whose right to privacy has been severely interfered with through the use of spyware but were not the target of the operation of the fact that their data was accessed by the authorities, including information regarding the date and duration of the surveillance, the warrant issued for the surveillance operation, data obtained, information on how that data has been used and by which actors as well as the date of deletion of the data; notes that such notification should be done without undue delay, unless an independent judicial authority grants delay of notification, in which case immediate notification would seriously jeopardise the purpose of the surveillance;

Or. en

Amendment 467

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

Draft motion for a resolution

Paragraph 29 – point h

Draft motion for a resolution

(h) an effective and independent ex post oversight over the use of spyware which must have all required means and powers to exercise a meaningful oversight and be coupled with a parliamentary oversight based on cross-party membership and full access to information;

Amendment

(h) an effective and independent ex post oversight over the use of spyware which must have all required means and powers to exercise a meaningful oversight and be coupled with a parliamentary oversight based on cross-party membership and full access to information, ***and parliamentary oversight of sensitive confidential information should be facilitated through the necessary infrastructure, processes and security clearances*** ;

Or. en

Amendment 468

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

Draft motion for a resolution

Paragraph 29 – point h

Draft motion for a resolution

(h) an effective and independent ex post oversight over the use of spyware which must have all required means and powers to exercise a meaningful oversight and be coupled with a parliamentary oversight based on cross-party membership ***and full*** access to information;

Amendment

(h) an effective, ***binding*** and independent ex post oversight over the use of spyware which must have all required means and powers to exercise a meaningful oversight and be coupled with a parliamentary oversight based on cross-party membership ***with appropriate clearance and with*** access to ***sufficient*** information ***to ascertain that the surveillance was lawfully conducted***;

Or. en

Amendment 469

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

Draft motion for a resolution
Paragraph 29 – point h a (new)

Draft motion for a resolution

Amendment

(ha) fundamental principles of due process and judicial oversight must be central to the regime surrounding surveillance spyware;

Or. en

Amendment 470
Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 29 – point i

Draft motion for a resolution

Amendment

(i) a meaningful legal remedy for direct and indirect targets and that individuals who claim to be adversely affected by surveillance should have access to redress through an independent body;
calls, therefore, for the introduction of a duty of notification for state authorities, including appropriate timeframes for notification, whereby delivery occurs once the security threat has passed;

(i) a meaningful legal remedy for direct and indirect targets and that individuals who claim to be adversely affected by surveillance should have access to redress through an independent body;

Or. en

Amendment 471
Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution
Paragraph 29 – point i

Draft motion for a resolution

Amendment

(i) a meaningful legal remedy for direct and indirect targets and that

(i) a meaningful legal remedy for direct and indirect targets and that

individuals who claim to be adversely affected by surveillance should have access to redress through an independent body; ***calls, therefore, for the introduction of a duty of notification for state authorities, including appropriate timeframes for notification, whereby delivery occurs once the security threat has passed;***

individuals who claim to be adversely affected by surveillance should have access to redress through an independent body;

Or. en

Amendment 472
Sophia in 't Veld

Draft motion for a resolution
Paragraph 29 – point i

Draft motion for a resolution

(i) a meaningful legal remedy for direct and indirect targets and that individuals who claim to be adversely affected by surveillance ***should*** have access to redress through an independent body; ***calls, therefore, for the introduction of a duty of notification for state authorities, including appropriate timeframes for notification, whereby delivery occurs once the security threat has passed;***

Amendment

(i) a meaningful legal remedy for direct and indirect targets and that individuals who claim to be adversely affected by surveillance ***must*** have access to redress through an independent body; ***calls, therefore, for the introduction of a duty of notification for state authorities, including appropriate timeframes for notification, whereby delivery occurs once the security threat has passed;***

Or. en

Amendment 473
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 29 – point j

Draft motion for a resolution

(j) legal remedies must be effective in both law and fact and that they must be

Amendment

(j) legal remedies must be effective in both law and fact and that they must be

known and accessible; stresses that such remedies require swift, thorough and impartial investigation by an independent oversight body and that this body should have access, expertise and technical capabilities to handle all relevant data to be able to determine whether the security assessment made by the authorities of an individual is reliable and proportionate;

known and accessible; stresses that such remedies require swift, thorough and impartial investigation by an independent oversight body and that this body should have access, expertise and technical capabilities to handle all relevant data to be able to determine whether the security assessment made by the authorities of an individual is reliable and proportionate; ***in cases where abuses have been verified, adequate sanctions of either criminal or administrative nature should apply;***

Or. en

Amendment 474

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 29 – point k

Draft motion for a resolution

Amendment

(k) the need to improve victims' free of charge access to technological expertise at this stage, since increased availability and affordability of technological processes, such as forensic analysis, would allow victims to present stronger cases in court;

deleted

Or. fr

Amendment 475

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

Draft motion for a resolution

Paragraph 29 – point k

Draft motion for a resolution

Amendment

(k) the need to improve victims' free of charge access to technological expertise at this stage, since increased availability and

(k) the need to improve victims' free of charge access to technological expertise at this stage, since increased availability and

affordability of technological processes, such as forensic analysis, would allow *victims* to present stronger cases in court;

affordability of technological processes, such as forensic analysis, would allow *persons illegally targeted* to present stronger cases in court;

Or. en

Amendment 476

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

on behalf of the Verts/ALE Group

Draft motion for a resolution

Paragraph 29 – point k

Draft motion for a resolution

(k) the *need to improve* victims' free of charge access to technological expertise at this stage, since increased availability and affordability of technological processes, such as forensic analysis, would allow victims to present stronger cases in court;

Amendment

(k) the *improvement of* victims' free of charge access to technological expertise at this stage, since increased availability and affordability of technological processes, such as forensic analysis, would allow victims to present stronger cases in court;

Or. en

Amendment 477

Dominik Tarczyński, Beata Kempa

on behalf of the ECR Group

Draft motion for a resolution

Paragraph 29 – point k

Draft motion for a resolution

(k) *the need to improve* victims' free of charge access to technological expertise at this stage, since increased availability and affordability of technological processes, such as forensic analysis, would allow victims to present stronger cases in court;

Amendment

(k) victims' free of charge access to technological expertise at this stage, since increased availability and affordability of technological processes, such as forensic analysis, would allow victims to present stronger cases in court;

Or. en

Amendment 478

Bart Groothuis, Róza Thun und Hohenstein, Ivars Ijabs, Dragoş Tudorache

Draft motion for a resolution

Paragraph 29 – point k

Draft motion for a resolution

(k) the need to improve *victims' free of charge access to technological expertise at this stage, since increased availability and affordability of technological processes, such as forensic analysis, would allow victims to present stronger cases in court;*

Amendment

(k) the need to improve *victim's representation in court through technological capacity building of legal representation and the judiciary to better advise victims, identify violations, improve oversight and accountability of spyware abuse;*

Or. en

Amendment 479

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 29 – point k a (new)

Draft motion for a resolution

(ka) the reinforcement of the rights of the defence and the right to a fair trial by ensuring that those accused of crimes are allowed and able to check the accuracy, authenticity, reliability and even the legality of the evidence used against them and therefore rejecting any blanket application of national defence secrecy rules;

Amendment

Or. en

Amendment 480

Ivo Hristov

Draft motion for a resolution
Paragraph 29 – point k a (new)

Draft motion for a resolution

Amendment

(ka) The Commission should also put in place an operational entity capable of inspecting potentially infected devices to ensure the protection of European citizens;

Or. en

Amendment 481
Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 29 – point l

Draft motion for a resolution

Amendment

(l) during surveillance, authorities should delete all irrelevant data ***and after the surveillance and the investigation for which the authorisation was granted has ended, authorities should delete the data as well as any related documents, such as notes that were taken during that period, such deletion must be recorded, and be auditable;***

(l) during surveillance, authorities should delete all irrelevant data;

Or. en

Amendment 482
Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Frances Fitzgerald, Juan Ignacio Zoido Álvarez

Draft motion for a resolution
Paragraph 29 – point l

Draft motion for a resolution

Amendment

(l) during surveillance, authorities should delete all irrelevant data and after

(l) during surveillance, authorities should delete all irrelevant data and after

the surveillance and the investigation for which the authorisation was granted has ended, authorities should delete the data as well as any related documents, such as notes that were taken during that period, such deletion must be recorded, and be auditable;

the surveillance and the investigation for which the authorisation was granted has ended, authorities should delete the data as well as any related documents, such as notes that were taken during that period, such deletion must be recorded, and be auditable, ***unless this set of data constitutes valuable information for other cases which might be connected;***

Or. en

Amendment 483
Sophia in 't Veld

Draft motion for a resolution
Paragraph 29 – point 1

Draft motion for a resolution

(1) during surveillance, authorities should delete all irrelevant ***data*** and after the surveillance and the investigation for which the authorisation was granted has ended, authorities should delete the data as well as any related documents, such as notes that were taken during that period, such deletion must be recorded, and be auditable;

Amendment

(1) during surveillance, authorities should delete all ***data that is*** irrelevant ***to the authorised investigation*** and after the surveillance and the investigation for which the authorisation was granted has ended, authorities should delete the data as well as any related documents, such as notes that were taken during that period, such deletion must be recorded, and be auditable;

Or. en

Amendment 484
Bart Groothuis, Róza Thun und Hohenstein, Ivars Ijabs, Dragoş Tudorache

Draft motion for a resolution
Paragraph 29 – point 1

Draft motion for a resolution

(1) during surveillance, authorities should ***delete all*** irrelevant data and after the surveillance and the investigation for which the authorisation was granted has

Amendment

(1) during surveillance, authorities should ***avoid gathering*** irrelevant data and after the surveillance and the investigation for which the authorisation was granted has

ended, authorities should delete the data as well as any related documents, such as notes that were taken during that period, such deletion must be recorded, and be auditable;

ended, authorities should delete the data as well as any related documents, such as notes that were taken during that period, ***after a pre-determined timeframe***, such deletion must be recorded, and be auditable;

Or. en

Amendment 485

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 29 – point 1

Draft motion for a resolution

(1) during surveillance, authorities should delete all ***irrelevant data and*** after the surveillance and the investigation for which the authorisation was granted has ended, authorities should delete the data as well as any related documents, such as notes that were taken during that period, such deletion must be recorded, and be auditable;

Amendment

(1) during surveillance, authorities should delete all ***data outside of the scope of the Court order*** after the surveillance and the investigation for which the authorisation was granted has ended, authorities should delete the data as well as any related documents, such as notes that were taken during that period, such deletion must be recorded, and be auditable;

Or. en

Amendment 486

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 29 – point 1 a (new)

Draft motion for a resolution

Amendment

(1a) minimal standards for rights of individuals in criminal proceedings on the admissibility of evidence collected with the

*help of spyware need to be established;
the possibility of false or manipulated
information produced as a result of the
deployment of spyware (impersonation)
needs to be included in criminal
procedural law;*

Or. en

Amendment 487
Sophia in 't Veld

Draft motion for a resolution
Paragraph 29 – point l a (new)

Draft motion for a resolution

Amendment

*(la) relevant information that is
obtained by spyware should only be
accessible to authorised authorities and
solely for the purpose of an operation.
This access should be limited to a
particular period of time as specified in
the judicial process;*

Or. en

Amendment 488
Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 29 – point m

Draft motion for a resolution

Amendment

*(m) Member States must notify each
other in case of surveillance of citizens or
residents of another Member State or of a
mobile number of a carrier in another
Member State;*

deleted

Or. en

Amendment 489

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

Draft motion for a resolution

Paragraph 29 – point m

Draft motion for a resolution

Amendment

(m) Member States must notify each other in case of surveillance of citizens or residents of another Member State or of a mobile number of a carrier in another Member State; **deleted**

Or. en

Amendment 490

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 29 – point m a (new)

Draft motion for a resolution

Amendment

(ma) a tracker or marker needs to be included in the surveillance software so that oversight bodies can unambiguously identify the deployer in case of suspicion of abuse; the mandatory signature for each spyware deployment should consist of an individual label for the acting authority, the type of spyware used and an anonymised case number

Or. en

Amendment 491

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

Draft motion for a resolution

Paragraph 29 – point m a (new)

Draft motion for a resolution

Amendment

(ma) a clear and comprehensive definition of spyware;

Or. en

Amendment 492
Sophia in 't Veld

Draft motion for a resolution
Paragraph 29 a (new)

Draft motion for a resolution

Amendment

29a. Calls on Member States to undertake public consultations with stakeholders, secure transparency of the legislative process, and include EU standards and safeguards when drafting new legislation on the use and sale of spyware;

Or. en

Amendment 493
Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution
Paragraph 30

Draft motion for a resolution

Amendment

30. Emphasises that only spyware that is configured so that it enables and facilitates the functionality of spyware according to the legislative framework according to Article 82 TFEU and in particular supporting the different roles of the authorities involved may be placed on the internal market, developed or used in the Union; **deleted**

Amendment 494

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 30

Draft motion for a resolution

30. Emphasises that only spyware that **is configured so that it enables and facilitates the functionality of spyware according to the legislative framework according to Article 82 TFEU and in particular supporting the different roles of the authorities involved** may be placed on the internal market, **developed or used in the Union**;

Amendment

30. Emphasises that only spyware that **doesn't pose a risk of leakage of operational data to third countries should** be placed on the **EU** internal market;

Amendment 495

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

Draft motion for a resolution
Paragraph 30

Draft motion for a resolution

30. Emphasises that only spyware that is **configured** so that it enables and facilitates the functionality of spyware according to the legislative framework according to Article 82 TFEU and in particular supporting the different roles of the authorities involved may be placed on the internal market, developed or used in the Union;

Amendment

30. Emphasises that only spyware that is **designed** so that it enables and facilitates the functionality of spyware according to the legislative framework according to Article 82 TFEU and in particular supporting the different roles of the authorities involved may be placed on the internal market, developed or used in the Union;

Amendment 496

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

Draft motion for a resolution

Paragraph 30 a (new)

Draft motion for a resolution

Amendment

30a. Calls on the Member States that foresee, according to their national legislation, the use of special investigative techniques, like the use of spyware, to adopt and implement effective laws, with adequate and independent scrutiny measures, clearly defined procedures as well as judicial review and redress mechanisms in order to avoid any form of abuse. The independent body setup under point 28 should be able to monitor the use and effectiveness of surveillance software and its impact on human rights.

Or. en

Amendment 497

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 31

Draft motion for a resolution

Amendment

31. Stresses that spyware may only be placed on the market for sale to and use by a closed list of public authorities whose instructions include investigations of crimes for which the use of spyware may be authorised;

31. Stresses that spyware may only be placed on the market for sale to and use by a closed list of public authorities whose instructions include investigations of crimes for which the use of spyware may be authorised; ***considers that intelligence agencies should only be allowed to use spyware when they have implemented all improvements laid out by the Fundamental Rights Agency^{1a}***;

1^a FRA (2017). Surveillance by intelligence services: fundamental rights safeguards and remedies in the EU - Volume II - Summary, <https://fra.europa.eu/en/publication/2017/surveillance-intelligence-services-fundamental-rights-safeguards-and-remedies-eu>

Or. en

Amendment 498

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

Draft motion for a resolution

Paragraph 31

Draft motion for a resolution

31. Stresses that spyware may only be placed on the market for sale to and use by *a closed list of public authorities whose instructions include investigations of crimes for which the use of spyware may be authorised;*

Amendment

31. Stresses that spyware may only be placed on the market for sale to and use by authorities *with clear and robust vetting system;*

Or. en

Amendment 499

Bart Groothuis, Dragoş Tudorache

Draft motion for a resolution

Paragraph 31

Draft motion for a resolution

31. Stresses that spyware may only be placed on the market for sale to and use by a closed list of public authorities whose instructions include investigations of crimes for which the use of spyware may be authorised;

Amendment

31. Stresses that spyware may only be placed on the market for sale to and use by a closed list of public authorities whose instructions include investigations of crimes *or the protection of national security* for which the use of spyware may be authorised;

Amendment 500

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

Draft motion for a resolution

Paragraph 32

Draft motion for a resolution

Amendment

32. Highlights the obligation to use a version of spyware that is programmed in such a way that it minimises the access to data, that the spyware should not have access to all data stored on a device, but should be programmed in such a way that it limits access to data to the minimum of what is strictly necessary; *deleted*

Amendment 501

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 32

Draft motion for a resolution

Amendment

32. Highlights the obligation to use a version of spyware that is programmed in such a way that it minimises the access to data, that the spyware should not have access to all data stored on a device, but should be programmed in such a way that it limits access to data to the minimum of what is strictly necessary; *deleted*

Amendment 502

Dragoş Tudorache, Moritz Körner, Klemen Grošelj, Ramona Strugariu

Draft motion for a resolution

Paragraph 32

Draft motion for a resolution

32. Highlights the obligation to use a version of spyware that is programmed in such a way that it minimises the access to data, that the spyware should not have access to all data stored on a device, but should be programmed in such a way that it limits access to data to the minimum of what is strictly necessary;

Amendment

32. Highlights the obligation to use a version of spyware that is programmed in such a way that it minimises the access to data, that the spyware should not have access to all data stored on a device, but should be programmed in such a way that it limits access to data to the minimum of what is strictly necessary *for the purpose of the authorised investigation*;

Or. en

Amendment 503

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

Draft motion for a resolution

Paragraph 32

Draft motion for a resolution

32. Highlights the obligation to use a version of spyware that is **programmed** in such a way that it minimises the access to data, that the spyware should not have access to all data stored on a device, but should be programmed in such a way that it limits access to data to the minimum of what is strictly necessary;

Amendment

32. Highlights the obligation to use a version of spyware that is **designed** in such a way that it minimises the access to data, that the spyware should not have access to all data stored on a device, but should be programmed in such a way that it limits access to data to the minimum of what is strictly necessary;

Or. en

Amendment 504

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 33

Draft motion for a resolution

Amendment

33. Concludes that when a Member State has purchased spyware, the acquisition must be auditable to an independent, impartial audit body; *deleted*

Or. fr

Amendment 505

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution **Paragraph 33**

Draft motion for a resolution

Amendment

33. Concludes that when a Member State has purchased spyware, the acquisition must be auditable to an independent, impartial audit body; *deleted*

Or. en

Amendment 506

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

Draft motion for a resolution **Paragraph 33**

Draft motion for a resolution

Amendment

33. Concludes that when a Member State has purchased spyware, the acquisition must be auditable to an independent, impartial audit body;

33. Concludes that when a Member State has purchased spyware, the acquisition must be auditable to an independent, impartial audit body *with appropriate clearance; any such audits should be done on an ad-hoc basis;*

Or. en

Amendment 507

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 34

Draft motion for a resolution

34. Stresses that all entities placing spyware on the internal market should comply with strict due diligence requirements, including vetting of potential clients and should report to the Commission on an annual basis on compliance;

Amendment

34. Stresses that all entities placing spyware on the internal market should comply with strict due diligence requirements, including vetting of potential clients, ***reducing the risk of importing data gathered via undemocratic and abusive surveillance practices from third countries*** and should report to the Commission on an annual basis on compliance;

Or. en

Amendment 508

Dominik Tarczyński, Beata Kempa

on behalf of the ECR Group

Draft motion for a resolution

Paragraph 34

Draft motion for a resolution

34. Stresses that all entities placing spyware on the internal market should comply with strict due diligence requirements, ***including vetting of potential clients and should report to the Commission on an annual basis on compliance;***

Amendment

34. Stresses that all entities placing spyware on the internal market should comply with strict due diligence requirements;

Or. en

Amendment 509

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 34

Draft motion for a resolution

34. Stresses that all entities placing spyware on the internal market should comply with strict due diligence requirements, including vetting of potential clients *and should report to the Commission on an annual basis on compliance*;

Amendment

34. Stresses that all entities placing spyware on the internal market should comply with strict due diligence requirements, including vetting of potential clients;

Or. fr

Amendment 510

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

Draft motion for a resolution
Paragraph 34

Draft motion for a resolution

34. Stresses that all entities placing spyware on the internal market should comply with strict due diligence requirements, including vetting of potential clients *and should report to the Commission on an annual basis on compliance*;

Amendment

34. Stresses that all entities placing spyware on the internal market should comply with strict due diligence requirements, including vetting of potential clients;

Or. en

Amendment 511

Dragoș Tudorache, Róza Thun und Hohenstein, Klemen Grošelj, Ramona Strugariu

Draft motion for a resolution
Paragraph 34 a (new)

Draft motion for a resolution

34a. Stresses the importance of having companies offering surveillance technologies or services to state actors to

Amendment

disclose the nature of the export licenses, together with aggregated statistics about their surveillance operations, including the number of data requests they have received and complied with;

Or. en

Amendment 512

Róza Thun und Hohenstein, Bart Groothuis

Draft motion for a resolution

Paragraph 34 a (new)

Draft motion for a resolution

Amendment

34a. Member States should establish a cool-down period limiting former governmental bodies or agencies employees from working for spyware companies;

Or. en

Amendment 513

Bart Groothuis, Dragoş Tudorache

Draft motion for a resolution

Paragraph 34 a (new)

Draft motion for a resolution

Amendment

34a. Member States should establish a cool-down period limiting former government employees from working for spyware companies;

Or. en

Amendment 514

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Subheading 1

Draft motion for a resolution

Amendment

Need for a definition of national security *deleted*

Or. fr

Amendment 515

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

Draft motion for a resolution

Subheading 1

Draft motion for a resolution

Amendment

Need for a *definition* of national security

Need for a *narrow interpretation* of national security

Or. en

Amendment 516

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 35

Draft motion for a resolution

Amendment

35. *Condemns the invocation of 'national security' as pretext for the abuse of spyware and for absolute secrecy and lack of accountability; welcomes the Commission statement that a mere reference to national security cannot be interpreted as being an unlimited carve out from the normal rules and calls on the Commission to follow up on that statement in the cases where there is manifest abuse;* *deleted*

Or. fr

Amendment 517
Jorge Buxadé Villalba

Draft motion for a resolution
Paragraph 35

Draft motion for a resolution

Amendment

35. Condemns the invocation of ‘national security’ as pretext for the abuse of spyware and for absolute secrecy and lack of accountability; welcomes the Commission statement that a mere reference to national security cannot be interpreted as being an unlimited carve out from the normal rules and calls on the Commission to follow up on that statement in the cases where there is manifest abuse; *deleted*

Or. en

Amendment 518
Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 35

Draft motion for a resolution

Amendment

35. Condemns the invocation of ‘national security’ as pretext for the abuse of spyware and for absolute secrecy and lack of accountability; welcomes the Commission statement that a mere reference to national security cannot be interpreted as being an unlimited carve out from the normal rules and calls on the Commission to follow up on that statement in the cases where there is manifest abuse; *deleted*

Or. en

Amendment 519

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

Draft motion for a resolution Paragraph 35

Draft motion for a resolution

35. **Condemns the invocation of ‘national security’ as pretext for the abuse of spyware and for absolute secrecy and lack of accountability; welcomes** the Commission statement that a mere reference to national security cannot be interpreted as being an unlimited carve out from the normal rules and calls on the Commission to follow up on that statement in the cases where there is manifest abuse;

Amendment

35. **Welcomes** the Commission statement that a mere reference to national security cannot be interpreted as being an unlimited carve out from the normal rules and calls on the Commission to follow up on that statement in the cases where there is manifest abuse;

Or. en

Amendment 520

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

Draft motion for a resolution Paragraph 35

Draft motion for a resolution

35. **Condemns** the invocation of ‘national security’ as **pretext for the abuse** of spyware and **for absolute** secrecy and lack of accountability; welcomes the Commission statement that a mere reference to national security cannot be interpreted as being an unlimited **carve out** from the **normal** rules and calls on the Commission to follow up on that statement in the cases where there is manifest abuse;

Amendment

35. **Is concerned about** the invocation of ‘national security’ as **ground to justify the deployment and use** of spyware and **the** secrecy and lack of accountability; welcomes the Commission statement that a mere reference to national security cannot be interpreted as being an unlimited **derogation** from the **general** rules and calls on the Commission to follow up on that statement **with concrete measures** in the cases where there is manifest abuse;

Or. en

Amendment 521
Bart Groothuis, Dragoş Tudorache

Draft motion for a resolution
Paragraph 35

Draft motion for a resolution

35. Condemns the invocation of ‘national security’ as pretext for the abuse of spyware and for absolute secrecy and lack of accountability; welcomes the Commission statement that a mere reference to national security cannot be interpreted as being *an unlimited carve out from the normal rules and calls on the Commission to follow up on that statement in the cases where there is manifest abuse*;

Amendment

35. Condemns the invocation of ‘national security’ as pretext for the abuse of spyware and for absolute secrecy and lack of accountability; *notes that legitimate use based on national security should be distinguished from forms of abuse for the benefit of regime security*; welcomes the Commission statement that a mere reference to national security cannot be interpreted as being unlimited *and should require a clear justification*

Or. en

Amendment 522
Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution
Paragraph 35

Draft motion for a resolution

35. Condemns the invocation of ‘national security’ as pretext for the abuse of spyware and for absolute secrecy and lack of accountability; welcomes the Commission statement that a mere reference to national security cannot be interpreted as being an unlimited carve out from the normal rules and calls on the Commission to follow up on that statement in the cases where there *is manifest* abuse;

Amendment

35. Condemns the invocation of ‘national security’ as pretext for the abuse of spyware and for absolute secrecy and lack of accountability; welcomes the Commission statement that a mere reference to national security cannot be interpreted as being an unlimited carve out from the normal rules and calls on the Commission to follow up on that statement in the cases where there *are indications of* abuse;

Or. en

Amendment 523

Sophia in 't Veld

**Draft motion for a resolution
Paragraph 35 a (new)**

Draft motion for a resolution

Amendment

35a. Considers that the notion of national security must be contrasted with internal security, whereby the latter has a broader scope, including the prevention of risks to citizens, and in particular the enforcement of criminal law;

Or. en

**Amendment 524
Gilles Lebreton, Mathilde Androuët**

**Draft motion for a resolution
Paragraph 36**

Draft motion for a resolution

Amendment

36. Calls for a common legal definition of national security, laying down criteria to determine what legal regime applies in matters of national security as well as a clear demarcation of the area where such a special regime may apply;

deleted

Or. fr

**Amendment 525
Bart Groothuis, Ivars Ijabs**

**Draft motion for a resolution
Paragraph 36**

Draft motion for a resolution

Amendment

36. Calls for a common legal definition of national security, laying down criteria to determine what legal

deleted

regime applies in matters of national security as well as a clear demarcation of the area where such a special regime may apply;

Or. en

Amendment 526

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 36

Draft motion for a resolution

Amendment

36. Calls for a common legal definition of national security, laying down criteria to determine what legal regime applies in matters of national security as well as a clear demarcation of the area where such a special regime may apply;

deleted

Or. en

Amendment 527

Jorge Buxadé Villalba

Draft motion for a resolution
Paragraph 36

Draft motion for a resolution

Amendment

36. Calls for a common legal definition of national security, laying down criteria to determine what legal regime applies in matters of national security as well as a clear demarcation of the area where such a special regime may apply;

deleted

Or. en

Amendment 528

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

Draft motion for a resolution

Paragraph 36

Draft motion for a resolution

Amendment

36. Calls for a common legal definition of national security, laying down criteria to determine what legal regime applies in matters of national security as well as a clear demarcation of the area where such a special regime may apply;

deleted

Or. en

Amendment 529

Christine Anderson

Draft motion for a resolution

Paragraph 36

Draft motion for a resolution

Amendment

36. Calls for a common legal definition of national security, laying down criteria to determine what legal regime applies in matters of national security as well as a clear demarcation of the area where such a special regime may apply;

36. Calls for a common legal definition of national security, laying down criteria to determine what legal regime applies in matters of national security as well as a clear demarcation of the area where such a special regime may apply; ***calls for this definition to be drafted in such a way that the political relevance and executive independence of the governments of the Member States are not neglected, and for the specific legal provisions for this guarantee to be clearly formulated;***

Or. de

Amendment 530

Sophia in 't Veld

Draft motion for a resolution
Paragraph 36

Draft motion for a resolution

36. Calls for a common legal definition of national security, laying down criteria to determine what legal regime applies in matters of national security as well as a clear demarcation of the area where such a special regime may apply;

Amendment

36. Calls for a common legal definition of national ***security that takes into consideration the more restricted scope vis-a-vis internal*** security, laying down criteria to determine what legal regime applies in matters of national security as well as a clear demarcation of the area where such a special regime may apply;

Or. en

Amendment 531
Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution
Paragraph 36

Draft motion for a resolution

36. Calls for a common legal definition of national security, laying down criteria to determine what legal regime ***applies*** in matters of national security as well as a clear demarcation of the ***area where*** such a special regime may apply;

Amendment

36. Calls for a common legal definition of national security, laying down criteria to determine what legal regime ***may apply*** in matters of national security as well as a clear demarcation of the ***conditions under which*** such a special regime may apply;

Or. en

Amendment 532
Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Frances Fitzgerald, Juan Ignacio Zoido Álvarez

Draft motion for a resolution
Paragraph 36 a (new)

Draft motion for a resolution

Amendment

36a. Recalls that national security is highly sensitive and is a sole competence of the Member States;

Amendment 533
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 37

Draft motion for a resolution

Amendment

37. *Considers that the use of spyware constitutes a limitation of fundamental rights; recalls that the Charter of Fundamental Rights provides that any limitation to fundamental rights according to Article 52(1) must be set out in law; considers therefore that it is necessary to define ‘national security’;* **deleted**

Or. fr

Amendment 534
Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 37

Draft motion for a resolution

Amendment

37. *Considers that the use of spyware constitutes a limitation of fundamental rights; recalls that the Charter of Fundamental Rights provides that any limitation to fundamental rights according to Article 52(1) must be set out in law; considers therefore that it is necessary to define ‘national security’;*

37. Recalls that the Charter of Fundamental Rights provides that any limitation to fundamental rights according to Article 52(1) must be set out in law;

Or. en

Amendment 535
Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution
Paragraph 37

Draft motion for a resolution

37. Considers that the ***use of spyware*** constitutes a limitation of fundamental rights; recalls that the Charter of Fundamental Rights provides that any limitation to fundamental rights according to Article 52(1) must be set out in law; considers therefore that ***it is necessary to define*** ‘national security’;

Amendment

37. Considers that the ***invoking of the national security exemption according to Article 4 TEU*** constitutes a limitation of fundamental rights; recalls that the Charter of Fundamental Rights provides that any limitation to fundamental rights according to Article 52(1) must be set out in law; considers therefore that ***the concept of*** ‘national security’ ***must be interpreted as narrow as possible***;

Or. en

Amendment 536
Jorge Buxadé Villalba

Draft motion for a resolution
Paragraph 37

Draft motion for a resolution

37. Considers that the use of spyware constitutes a limitation of fundamental rights; recalls that the Charter of Fundamental Rights provides that any limitation to fundamental rights according to Article 52(1) must be set out in law; considers therefore that it is necessary ***to*** define ‘national security’;

Amendment

37. Considers that the use of spyware constitutes a limitation of fundamental rights; recalls that the Charter of Fundamental Rights provides that any limitation to fundamental rights according to Article 52(1) must be set out in law; considers therefore that it is necessary ***that Member states*** define ‘national security’ ***in their national legislations***;

Or. en

Amendment 537
Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Frances Fitzgerald, Juan Ignacio Zoido Álvarez

Draft motion for a resolution
Paragraph 37

Draft motion for a resolution

37. Considers that the use of spyware constitutes a limitation of fundamental rights; recalls that the Charter of Fundamental Rights provides that any limitation to fundamental rights according to Article 52(1) must be set out in law; ***considers therefore that it is necessary to define ‘national security’;***

Amendment

37. Considers that the use of spyware constitutes a limitation of fundamental rights; recalls that the Charter of Fundamental Rights provides that any limitation to fundamental rights according to Article 52(1) must be set out in law;

Or. en

Amendment 538

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

Draft motion for a resolution

Paragraph 37

Draft motion for a resolution

37. Considers that the use of spyware constitutes a limitation of fundamental rights; recalls that the Charter of Fundamental Rights provides that any limitation to fundamental rights according to Article 52(1) must be set out in law; considers therefore that it is necessary to define ‘national security’;

Amendment

37. Considers that the use of spyware constitutes a limitation of fundamental rights; recalls that the Charter of Fundamental Rights provides that any limitation to fundamental rights according to Article 52(1) must be set out in law; considers therefore that it is necessary to define ‘national security’ ***in EU legislation;***

Or. en

Amendment 539

Bart Groothuis, Ivars Ijabs

Draft motion for a resolution

Paragraph 37

Draft motion for a resolution

37. Considers that the use of spyware constitutes a limitation of fundamental

Amendment

37. Considers that the use of spyware constitutes a limitation of fundamental

rights; recalls that the Charter of Fundamental Rights provides that any limitation to fundamental rights according to Article 52(1) must be set out in law; considers therefore that it is necessary to *define* ‘national security’;

rights; recalls that the Charter of Fundamental Rights provides that any limitation to fundamental rights according to Article 52(1) must be set out in law; considers therefore that it is necessary to *justify* ‘national security’ *usage*;

Or. en

Amendment 540

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 37 a (new)

Draft motion for a resolution

Amendment

37a. Stresses that if authorities invoke national security grounds as justification for using spyware, they should, in addition to the framework laid down in para 29, demonstrate compliance with EU law including adherence to the principles of proportionality, necessity, legitimacy, legality and adequacy; highlights that the justification should be easily accessible and made available to a national scrutiny body for assessment

Or. en

Amendment 541

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

Draft motion for a resolution

Paragraph 37 a (new)

Draft motion for a resolution

Amendment

37a. Notes that where EU law is not applicable, Member States are bound by the guarantees laid down in the European Convention on Human Rights. A mere

reference to national security is not sufficient grounds to bypass the application of EU Law. The jurisprudence of the European Court of Human rights has clarified the criteria that Member States need to follow when defining matters falling under national security:

Or. en

Amendment 542

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

**Draft motion for a resolution
Paragraph 37 a (new)**

Draft motion for a resolution

Amendment

37a. Reiterates that all Member States signed Convention 108+, which lays down standards and obligations for the protection of individuals concerning processing of personal data, including for national security purposes; urges all Member States to ratify this Convention without delay and to already implement its standards in national law and act accordingly;

Or. en

Amendment 543

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

**Draft motion for a resolution
Paragraph 37 b (new)**

Draft motion for a resolution

Amendment

37b. Emphasises that exceptions and restrictions to a limited number of provisions of the Convention are only permitted when they are in accordance

with the requirements referred to in article 11 of the Convention, meaning that when implementing Convention 108+, each specific exception and restriction must be provided for by law, must respect the essence of the fundamental rights and freedoms and must justify that it 'constitutes a necessary and proportionate measure in a democratic society' for one of the legitimate grounds listed in Article 11^{1a}; furthermore, this is without prejudice to the requirement that processing activities for national security and defence purposes are subject to independent and effective review and supervision under the domestic legislation of the respective Party;

^{1a} This assessment is provided for in the case law of the ECtHR that lays the burden of proof with the State/Legislator. Relevant ECtHR case law includes: Roman Zakharov v. Russia (Application No. 47143/06), 4 December 2015; Szabó and Vissy v. Hungary (Application No. 37138/14), 12 January 2016; Big Brother Watch and Others v. the United Kingdom (application nos. 58170/13, 62322/14 and 24969/15), 25 May 2021 and Centrum För Rättvisa v. Sweden (application no. 35252/08), 25 May 2021.

Or. en

Amendment 544

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

Draft motion for a resolution

Subheading 2

Draft motion for a resolution

Amendment

Better enforcement of existing legislation

Better enforcement *and implementation* of existing legislation

Or. en

Amendment 545

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution Paragraph 38

Draft motion for a resolution

38. Underlines the shortcomings in national legal frameworks and the necessity for better enforcement of existing Union legislation to counterpose these deficiencies; ***identifies the following Union laws as relevant but improperly enforced: the Anti-Money Laundering Directive, procurement rules, Dual-use Regulation, case-law (rulings on surveillance and national security), and the Whistleblower Directive; calls on the Commission to investigate and report on the shortcomings in implementation and enforcement and put forward a roadmap to correct them by summer 2023 at the latest;***

Amendment

38. Underlines the shortcomings in national legal frameworks and the necessity for better enforcement of existing Union legislation to counterpose these deficiencies;

Or. en

Amendment 546

Ivo Hristov

Draft motion for a resolution Paragraph 38

Draft motion for a resolution

38. Underlines the shortcomings in national legal frameworks and the necessity for better enforcement of existing Union legislation to counterpose these deficiencies; identifies the following Union laws as relevant but improperly enforced: the Anti-Money Laundering Directive, procurement rules, Dual-use Regulation, case-law (rulings on surveillance and

Amendment

38. Underlines the shortcomings in national legal frameworks and the necessity for better enforcement of existing Union legislation ***that goes beyond blacklisting of spyware vendors*** to counterpose these deficiencies; identifies the following Union laws as relevant but improperly enforced: the Anti-Money Laundering Directive, procurement rules,

national security), and the Whistleblower Directive; calls on the Commission to investigate and report on the shortcomings in implementation and enforcement and put forward a roadmap to correct them by summer 2023 at the latest;

Dual-use Regulation, case-law (rulings on surveillance and national security), and the Whistleblower Directive; calls on the Commission to investigate and report on the shortcomings in implementation and enforcement and put forward a roadmap to correct them by summer 2023 at the latest;

Or. en

Amendment 547

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

Draft motion for a resolution

Paragraph 38

Draft motion for a resolution

38. Underlines the shortcomings in national legal frameworks and the necessity for better enforcement of existing Union legislation to counterpose these deficiencies; identifies the following Union laws as relevant but improperly enforced: the Anti-Money Laundering Directive, procurement rules, Dual-use Regulation, case-law (rulings on surveillance and national security), and the Whistleblower Directive; calls on the Commission to investigate and report on the shortcomings in implementation and enforcement and put forward a roadmap to correct them by summer 2023 at the latest;

Amendment

38. Underlines the shortcomings in national legal frameworks and the necessity for better enforcement of existing Union legislation to counterpose these deficiencies; identifies the following Union laws as relevant but improperly enforced ***or implemented: e-privacy Directive***, the Anti-Money Laundering Directive, procurement rules, Dual-use Regulation, case-law (rulings on surveillance and national security), and the Whistleblower Directive; calls on the Commission to investigate and report on the shortcomings in implementation and enforcement and put forward a roadmap to correct them by summer 2023 at the latest;

Or. en

Amendment 548

Andrzej Halicki, Bartosz Arłukowicz, Radosław Sikorski, Vladimír Bilčík

Draft motion for a resolution

Paragraph 38

Draft motion for a resolution

Amendment

38. Underlines the shortcomings in national legal frameworks and the necessity for better enforcement of existing Union legislation to counterpose these deficiencies; identifies the following Union laws as relevant but improperly enforced: the Anti-Money Laundering Directive, procurement rules, Dual-use Regulation, case-law (rulings on surveillance and national security), and the Whistleblower Directive; calls on the Commission to investigate and report on the shortcomings in implementation and enforcement and put forward a roadmap to correct them by summer 2023 at the latest;

38. Underlines the shortcomings in national legal frameworks and the necessity for better enforcement of existing Union legislation to counterpose these deficiencies; identifies the following Union laws as relevant but improperly enforced: ***the Law Enforcement Directive***, the Anti-Money Laundering Directive, procurement rules, Dual-use Regulation, case-law (rulings on surveillance and national security), and the Whistleblower Directive; calls on the Commission to investigate and report on the shortcomings in implementation and enforcement and put forward a roadmap to correct them by summer 2023 at the latest;

Or. en

Amendment 549

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

Draft motion for a resolution

Paragraph 38

Draft motion for a resolution

38. Underlines the shortcomings in national legal frameworks and the necessity for better enforcement of existing Union legislation to counterpose these deficiencies; identifies the following Union laws as relevant but improperly enforced: ***the Anti-Money Laundering Directive***, procurement rules, Dual-use Regulation, case-law (rulings on surveillance and national security), and the Whistleblower Directive; calls on the Commission to investigate and report on the shortcomings in implementation and enforcement and put forward a roadmap to correct them by summer 2023 at the latest;

Amendment

38. Underlines the shortcomings in national legal frameworks and the necessity for better enforcement of existing Union legislation to counterpose these deficiencies; identifies the following Union laws as relevant but improperly enforced: procurement rules, Dual-use Regulation, case-law (rulings on surveillance and national security), and the Whistleblower Directive; calls on the Commission to investigate and report on the shortcomings in implementation and enforcement and put forward a roadmap to correct them by summer 2023 at the latest;

Or. en

Amendment 550

Róza Thun und Hohenstein, Bart Groothuis

Draft motion for a resolution

Paragraph 38

Draft motion for a resolution

38. Underlines the shortcomings in national legal frameworks and the necessity for better enforcement of existing Union legislation to counterpose these deficiencies; identifies the following Union laws as relevant but improperly enforced: the Anti-Money Laundering Directive, procurement rules, Dual-use Regulation, case-law (rulings on surveillance and national security), and the Whistleblower Directive; calls on the Commission to investigate and report on the shortcomings in implementation and enforcement and put forward a roadmap to correct them **by summer** 2023 at the latest;

Amendment

38. Underlines the shortcomings in national legal frameworks and the necessity for better enforcement of existing Union legislation to counterpose these deficiencies; identifies the following Union laws as relevant but improperly enforced: the Anti-Money Laundering Directive, procurement rules, Dual-use Regulation, case-law (rulings on surveillance and national security), and the Whistleblower Directive; calls on the Commission to investigate and report on the shortcomings in implementation and enforcement and put forward a roadmap, to correct them, **by autumn** 2023 at the latest;

Or. en

Amendment 551

Sophia in 't Veld

Draft motion for a resolution

Paragraph 38

Draft motion for a resolution

38. Underlines the shortcomings in national legal frameworks and the necessity for better enforcement of existing Union legislation to counterpose these deficiencies; identifies the following Union laws as relevant but improperly enforced: the **Anti-Money Laundering Directive**, procurement rules, Dual-use Regulation, case-law (rulings on surveillance and national security), and the Whistleblower Directive; calls on the Commission to investigate and report on the shortcomings in implementation and enforcement and put

Amendment

38. Underlines the shortcomings in national legal frameworks and the necessity for better enforcement of existing Union legislation to counterpose these deficiencies; identifies the following Union laws as relevant but improperly enforced: the procurement rules, Dual-use Regulation, case-law (rulings on surveillance and national security), and the Whistleblower Directive; calls on the Commission to investigate and report on the shortcomings in implementation and enforcement and put forward a roadmap to

forward a roadmap to correct them by summer 2023 at the latest;

correct them by summer 2023 at the latest;

Or. en

Amendment 552

Lucia Vuolo

Draft motion for a resolution

Paragraph 38 a (new)

Draft motion for a resolution

Amendment

38a. Stresses that the ‘terrorist threat’ set as a condition in the contracts that spyware companies enter into with their clients is too open to discretion, in view of the shakiness of the concept of an ‘act of terrorism’ in international and domestic law, and could therefore be used to attack citizens’ freedom.

Or. en

Amendment 553

Dominik Tarczyński, Beata Kempa

on behalf of the ECR Group

Draft motion for a resolution

Paragraph 39

Draft motion for a resolution

Amendment

39. Considers the strict implementation and enforcement of the Union legal framework on data protection, especially the Law Enforcement Directive, General Data Protection Regulation and e-Privacy Directive, a critical prerequisite; considers equally important the full implementation of the relevant CJEU judgements, which is still lacking in several Member States, in which the Commission has a central role in enforcing EU law and ensuring its

deleted

uniform application throughout the Union;

Or. en

Amendment 554

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 39

Draft motion for a resolution

39. Considers the strict implementation and enforcement of the Union legal framework on data protection, especially the Law Enforcement Directive, General Data Protection Regulation and e-Privacy Directive, a critical prerequisite; ***considers equally important the full implementation of the relevant CJEU judgements, which is still lacking in several Member States, in which the Commission has a central role in enforcing EU law and ensuring its uniform application throughout the Union;***

Amendment

39. Considers the strict implementation and enforcement of the Union legal framework on data protection, especially the Law Enforcement Directive, General Data Protection Regulation and e-Privacy Directive, a critical prerequisite;

Or. fr

Amendment 555

Andrzej Halicki, Bartosz Arłukowicz, Radosław Sikorski, Vladimír Bilčík

Draft motion for a resolution

Paragraph 39

Draft motion for a resolution

39. Considers ***the strict*** implementation and enforcement of the Union legal framework on data protection, especially the Law Enforcement Directive, General Data Protection Regulation and e-Privacy Directive, ***a critical prerequisite***; considers equally important the full implementation of the relevant CJEU judgements, which is

Amendment

39. Considers ***that proper*** implementation and ***strict*** enforcement of the Union legal framework on data protection, especially the Law Enforcement Directive, General Data Protection Regulation and e-Privacy Directive, ***are crucial***; considers equally important the full implementation of the relevant CJEU

still lacking in several Member States, *in which* the Commission has a central role in enforcing EU law and ensuring its uniform application throughout the Union;

judgements, which is still lacking in several Member States; *recalls that* the Commission has a central role in enforcing EU law and ensuring its uniform application throughout the Union, *and should make use of all tools available including infringement procedures in cases of persistent non-compliance*;

Or. en

Amendment 556

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 39 a (new)

Draft motion for a resolution

Amendment

39a. Calls on the Commission to consider starting infringement procedures against Member States that are not implementing the mentioned pieces of legislation;

Or. en

Amendment 557

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution Paragraph 41

Draft motion for a resolution

Amendment

41. Calls for Cyprus to become a participating state of the Wassenaar Arrangement, reminds the Council, the Member States and the Commission that all efforts must be made to enable Cyprus to join the Wassenaar Arrangement;

deleted

Or. en

Amendment 558

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

Draft motion for a resolution

Paragraph 41

Draft motion for a resolution

41. Calls for Cyprus to become a participating state of the Wassenaar Arrangement, reminds the Council, the Member States and the Commission that all efforts must be made to enable Cyprus to join the Wassenaar Arrangement;

Amendment

41. Calls for Cyprus to become a participating state of the Wassenaar Arrangement, reminds the Council, the Member States and the Commission that all efforts must be made to enable Cyprus to join the Wassenaar Arrangement; ***condemns Turkey, which has been vetoing the accession of Cyprus, an EU Member State;***

Or. en

Amendment 559

Bart Groothuis, Dragoş Tudorache

Draft motion for a resolution

Paragraph 41

Draft motion for a resolution

41. Calls for Cyprus to become a participating state of the Wassenaar Arrangement, reminds the Council, the Member States and the Commission that all efforts must be made to enable Cyprus to join the Wassenaar Arrangement;

Amendment

41. Calls for Cyprus ***and Israel*** to become a participating state of the Wassenaar Arrangement, reminds the Council, the Member States and the Commission that all efforts must be made to enable Cyprus ***and Israel*** to join the Wassenaar Arrangement;

Or. en

Amendment 560

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 42

Draft motion for a resolution

Amendment

42. Stresses that the Wassenaar Arrangement should include a human rights framework that embeds the licensing of spyware technologies, assesses and reviews the compliance of companies producing spyware technologies and that participants should prohibit the purchase of surveillance technologies from states that are not part of the Arrangement;

deleted

Or. en

Amendment 561

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

Draft motion for a resolution

Paragraph 42

Draft motion for a resolution

Amendment

42. Stresses that the Wassenaar Arrangement should include a human rights framework that embeds the licensing of spyware technologies, assesses and reviews the compliance of companies producing spyware technologies and that participants should prohibit the purchase of surveillance technologies from states that are not part of the Arrangement;

42. Stresses that the Wassenaar Agreement could include a human rights framework that embeds the licensing of spyware technologies, assesses and reviews the compliance of companies producing spyware technologies;

Or. en

Amendment 562

Bart Groothuis, Róza Thun und Hohenstein, Ivars Ijabs, Dragoş Tudorache

Draft motion for a resolution

Paragraph 42

Draft motion for a resolution

Amendment

42. Stresses that the Wassenaar Arrangement should include a human rights framework that embeds the licensing of spyware technologies, assesses and reviews the compliance of companies producing spyware technologies ***and that participants should prohibit the purchase of surveillance technologies from states that are not part of the Arrangement;***

42. Stresses that the Wassenaar Arrangement should include a human rights framework that embeds the licensing of spyware technologies, assesses and reviews the compliance of companies producing spyware technologies;

Or. en

Amendment 563

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 43

Draft motion for a resolution

Amendment

43. ***Stresses that in light of the spyware revelations, the Commission should conduct an in-depth investigation of export licences granted for the use of spyware under the Dual-use Regulation;***

deleted

Or. fr

Amendment 564

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 43

Draft motion for a resolution

Amendment

43. Stresses that in light of the spyware revelations, the Commission should conduct an in-depth investigation of export licences granted for the use of spyware under the Dual-use Regulation;

43. Stresses that in light of the spyware revelations, the Commission should conduct an in-depth investigation of export licences granted for the use of spyware under the Dual-use Regulation ***and recalls***

the necessity for an immediate moratorium for the export of spyware to third countries until all obligations as set out under para 27 are met;

Or. en

Amendment 565

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

Draft motion for a resolution

Paragraph 43

Draft motion for a resolution

43. Stresses that in light of the spyware revelations, the Commission should conduct an in-depth investigation of export licences granted for the use of spyware under the Dual-use Regulation;

Amendment

43. Stresses that in light of the spyware revelations, the Commission should conduct an in-depth investigation of export licences granted for the use of spyware under the Dual-use Regulation; *the Commission should communicate this assessment to the parliament in form of a report;*

Or. en

Amendment 566

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

Draft motion for a resolution

Paragraph 43

Draft motion for a resolution

43. Stresses that in light of the spyware revelations, the Commission should conduct an in-depth investigation of export licences granted for the use of spyware under the Dual-use Regulation;

Amendment

43. Stresses that in light of the spyware revelations, the Commission *and Member States* should conduct an in-depth investigation of export licences granted for the use of spyware under the Dual-use Regulation;

Or. en

Amendment 567

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 43 a (new)

Draft motion for a resolution

Amendment

43a. *Underlines the need for traceability and accountability of spyware exports and recalls that EU companies should only be able to export spyware demonstrating sufficient traceability properties to ensure that responsibility can always be attributed*

Or. en

Amendment 568

Bart Groothuis, Dragoş Tudorache

Draft motion for a resolution

Paragraph 44

Draft motion for a resolution

Amendment

44. Emphasises that the Commission needs to regularly check and properly enforce the Recast Dual-use Regulation to avoid ‘export regime shopping’ throughout the Union, as is currently the case in Bulgaria and Cyprus, and that the Commission should have adequate resources for this task;

44. Emphasises that the Commission needs to regularly check and properly enforce the Recast Dual-use Regulation to avoid ‘export regime shopping’ throughout the Union, as is currently the case in Bulgaria and Cyprus, and that the Commission should have adequate resources for this task, ***warns that detailed reports on the approval and denial of export control licenses in fact facilitates export regime shopping;***

Or. en

Amendment 569

Dominik Tarczyński, Beata Kempa

on behalf of the ECR Group

Draft motion for a resolution
Paragraph 44

Draft motion for a resolution

44. Emphasises that the Commission needs to regularly check and properly enforce the Recast Dual-use Regulation to avoid ‘export regime shopping’ throughout the Union, ***as is currently the case in Bulgaria and Cyprus***, and that the Commission should have adequate resources for this task;

Amendment

44. Emphasises that the Commission needs to regularly check and properly enforce the Recast Dual-use Regulation to avoid ‘export regime shopping’ throughout the Union, and that the Commission should have adequate resources for this task;

Or. en

Amendment 570

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

Draft motion for a resolution
Paragraph 44

Draft motion for a resolution

44. Emphasises that the Commission ***needs*** to regularly check and properly enforce the Recast Dual-use Regulation to avoid ‘export regime shopping’ throughout the Union, ***as is currently the case in Bulgaria and Cyprus***, and that the Commission should have adequate resources for this task;

Amendment

44. Emphasises that the Commission ***and Member States need*** to regularly check and properly enforce the Recast Dual-use Regulation to avoid ‘export regime shopping’ throughout the Union, and that the Commission should have adequate resources for this task;

Or. en

Amendment 571

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 45

Draft motion for a resolution

45. Calls for amendments to the Dual-use Regulation to clarify in Article 15 that export permits of dual-use goods must not be given where goods are or may be intended for in connection with internal repression and/or the commission of serious violations of human rights and international humanitarian law;

Amendment

45. Calls for amendments to the Dual-use Regulation to clarify in Article 15 that export permits of dual-use goods must not be given where goods are or may be intended for in connection with internal repression and/or the commission of serious violations of human rights and international humanitarian law; ***and to implement mandatory human rights due diligence in the licensing process, and further improvements such as remedy for victims of human rights abuses and transparent reporting of performed due diligence;***

Or. en

Amendment 572

Sophia in 't Veld

Draft motion for a resolution

Paragraph 46

Draft motion for a resolution

46. Calls for changes to the Dual-use Regulation to ensure that transit is prohibited in cases where goods are or may be intended for internal repression and/or the commission of serious violations of human rights and international humanitarian law;

Amendment

46. Calls for changes to the Dual-use Regulation to ensure that transit is prohibited in cases where goods are or may be intended for internal repression and/or the commission of serious violations of human rights and international humanitarian law; ***calls for the full implementation of human rights and due diligence checks in the licensing process;***

Or. en

Amendment 573

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 47

Draft motion for a resolution

47. Stresses that, in a future amendment of the Dual-use Regulation, designated national authorities responsible for the approval and denial of export licences for dual-use items should provide detailed reports including information on the dual-use item in question; the number of licences applied for, the name of the exporting country, a description of the export company and whether this company is a subsidiary; a description of the end user and destination; the value of the export licence; ***why the export licence was approved or denied; emphasises that these reports should be made public on a quarterly basis; calls for the set up of a dedicated standing parliamentary committee with access to classified information by the Commission, for the purpose of parliamentary oversight;***

Amendment

47. Stresses that, in a future amendment of the Dual-use Regulation, designated national authorities responsible for the approval and denial of export licences for dual-use items should provide detailed reports including information on the dual-use item in question; the number of licences applied for, the name of the exporting country, a description of the export company and whether this company is a subsidiary; a description of the end user and destination; the value of the export licence;

Or. en

Amendment 574

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 47

Draft motion for a resolution

47. Stresses that, in a future amendment of the Dual-use Regulation, designated national authorities responsible for the approval and denial of export licences for dual-use items should provide detailed reports including information on the dual-use item in question; the number of licences applied for, the name of the exporting country, a description of the export company and whether this company is a subsidiary; a description of the end user and destination; the value of the export licence; why the export licence was

Amendment

47. Stresses that, in a future amendment of the Dual-use Regulation, designated national authorities responsible for the approval and denial of export licences for dual-use items should provide detailed reports including information on the dual-use item in question; the number of licences applied for, the name of the exporting country, a description of the export company and whether this company is a subsidiary; a description of the end user and destination; the value of the export licence; why the export licence was

approved or denied; *emphasises that these reports should be made public on a quarterly basis; calls for the set up of a dedicated standing parliamentary committee with access to classified information by the Commission, for the purpose of parliamentary oversight;*

approved or denied;

Or. fr

Amendment 575

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

Draft motion for a resolution

Paragraph 47

Draft motion for a resolution

47. Stresses that, in a future amendment of the Dual-use Regulation, designated national authorities responsible for the approval and denial of export licences for dual-use items should provide detailed reports including information on the dual-use item in question; the number of licences applied for, the name of the exporting country, a description of the export company and whether this company is a subsidiary; a description of the end user and destination; the value of the export licence; why the export licence was approved or denied; *emphasises that these reports should be made public on a quarterly basis; calls for the set up of a dedicated standing parliamentary committee with access to classified information by the Commission, for the purpose of parliamentary oversight;*

Amendment

47. Stresses that, in a future amendment of the Dual-use Regulation, designated national authorities responsible for the approval and denial of export licences for dual-use items should provide detailed reports including information on the dual-use item in question; the number of licences applied for, the name of the exporting country, a description of the export company and whether this company is a subsidiary; a description of the end user and destination; the value of the export licence; why the export licence was approved or denied; *emphasises that these reports should be made public to the European Parliament on a regular basis;*

Or. en

Amendment 576

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 48

Draft motion for a resolution

Amendment

48. Stresses that, in a future amendment of the Dual-use Regulation, the exception to the requirement to provide information to the Commission on grounds of commercial sensitivity, defence and foreign policy or national security reasons must be abolished; considers instead that in order to prevent sensitive information becoming available to third countries, the Commission can decide to classify certain information in its annual report; *deleted*

Or. fr

Amendment 577

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

Draft motion for a resolution
Paragraph 48

Draft motion for a resolution

Amendment

48. Stresses that, in a future amendment of the Dual-use Regulation, the exception to the requirement to provide information to the Commission on grounds of commercial sensitivity, defence and foreign policy or national security reasons must be abolished; considers instead that in order to prevent sensitive information becoming available to third countries, the Commission can decide to classify certain information in its annual report; *deleted*

Or. en

Amendment 578

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 48

Draft motion for a resolution

Amendment

48. Stresses that, in a future amendment of the Dual-use Regulation, the exception to the requirement to provide information to the Commission on grounds of commercial sensitivity, defence and foreign policy or national security reasons must be abolished; considers instead that in order to prevent sensitive information becoming available to third countries, the Commission can decide to classify certain information in its annual report; *deleted*

Or. en

Amendment 579
Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 49

Draft motion for a resolution

Amendment

49. Stresses that the definition of cyber-surveillance items in the recast Dual-use Regulation cannot be given a restrictive interpretation but should include all technologies in this area, such as mobile telecommunications interception or jamming equipment; intrusion software; IP network communications surveillance systems or equipment; software specially designed or modified for monitoring or analysis by law enforcement; laser acoustic detection equipment; forensic tools which extract raw data from a computing or communications device and circumvent *deleted*

'authentication' or authorisation controls of the device; electronic systems or equipment, designed either for surveillance and monitoring of the electro-magnetic spectrum for military intelligence or security purpose; and Unmanned Aerial Vehicles capable of conducting surveillance;

Or. en

Amendment 580

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 50

Draft motion for a resolution

Amendment

50. Calls for additional European legislation that requires corporate actors producing and/or exporting surveillance technologies to include human rights and due diligence frameworks in line with the UN Guiding Principles on Business and Human Rights (UNGPs);

deleted

Or. fr

Amendment 581

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

Draft motion for a resolution

Paragraph 50

Draft motion for a resolution

Amendment

50. Calls for additional European legislation that requires corporate actors producing and/or exporting surveillance technologies to include human rights and due diligence frameworks in line with the UN Guiding Principles on Business and Human Rights (UNGPs);

50. Calls for corporate actors producing and/or exporting surveillance technologies to include human rights and due diligence frameworks in line with the UN Guiding Principles on Business and Human Rights (UNGPs);

Amendment 582
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 51

Draft motion for a resolution

51. Calls for *a joint EU-US spyware strategy, including a joint white list and/or black list of spyware vendors (not) authorised to sell to public authorities, common criteria for vendors to be included in either list, arrangement for common EU-US reporting on the industry, common scrutiny, common due diligence obligations for vendors and the criminalisation of the sale of spyware to non-state actors;*

Amendment

51. calls for *closer dialogue between the EU and the United States with a view to stepping up cooperation to tackle the spread of spyware;*

Or. fr

Amendment 583
Bart Groothuis, Dragoş Tudorache

Draft motion for a resolution
Paragraph 51

Draft motion for a resolution

51. Calls for a *joint EU-US spyware strategy*, including a joint *white list and/or black list of spyware vendors (not) authorised to sell to public authorities, common criteria for vendors to be included in either list, arrangement for common EU-US reporting on the industry, common scrutiny, common due diligence obligations for vendors and the criminalisation of the sale of spyware to non-state actors;*

Amendment

51. Calls for a *likeminded spyware coalition that facilitates coordination on the restriction of the sale of surveillance technology to dangerous end users, including a joint black list and potential sanctions of risky spyware vendors whose tools have been abused by foreign governments with poor human rights records to maliciously target government officials, journalists, civil society, and who operate against the national security and foreign policy of the Union, not authorised to sell to public authorities,*

common criteria for vendors to be included in either list, arrangement for common EU-US reporting on the industry, common scrutiny, common due diligence obligations for vendors and the criminalisation of the sale of spyware to non-state actors

Or. en

Amendment 584

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

Draft motion for a resolution Paragraph 51

Draft motion for a resolution

51. Calls for a joint EU-US spyware strategy, including a joint white list and/or black list of spyware vendors (not) authorised to sell to public authorities, common criteria for vendors to be included in either list, ***arrangement for common EU-US reporting on the industry, common scrutiny, common due diligence obligations for vendors and the criminalisation of the sale of spyware to non-state actors;***

Amendment

51. Calls for a joint EU-US spyware strategy, including a joint white list and/or black list of spyware vendors (not) authorised to sell to public authorities, common criteria for vendors to be included in either list;

Or. en

Amendment 585

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

Draft motion for a resolution Paragraph 51

Draft motion for a resolution

51. Calls for a joint EU-US ***spyware strategy, including a joint*** white list and/or black list of spyware vendors (not) authorised to sell to public authorities,

Amendment

51. Calls for a joint EU-US white list and/or black list of spyware vendors (not) authorised to sell to public authorities, common criteria for vendors to be included

common criteria for vendors to be included in either list, arrangement for common EU-US reporting on the industry, common scrutiny, common due diligence obligations for vendors and the criminalisation of the sale of spyware to non-state actors;

in either list, arrangement for common EU-US reporting on the industry, common scrutiny, common due diligence obligations for vendors and the criminalisation of the sale of spyware to non-state actors;

Or. en

Amendment 586
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 52

Draft motion for a resolution

Amendment

52. Calls for the EU-US Trade and Technology Council to hold wide and open consultation with civil society for the development of the joint EU-US strategy and standards;

deleted

Or. fr

Amendment 587
Christine Anderson

Draft motion for a resolution
Paragraph 52

Draft motion for a resolution

Amendment

52. Calls for the EU-US Trade and Technology Council to hold wide and open consultation with civil society for the development of the joint EU-US strategy and standards;

deleted

Or. de

Amendment 588

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

**Draft motion for a resolution
Paragraph 52**

Draft motion for a resolution

Amendment

52. Calls for the EU-US Trade and Technology Council to hold wide and open consultation with civil society for the development of the joint EU-US strategy and standards;

deleted

Or. en

Amendment 589

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

**Draft motion for a resolution
Paragraph 52**

Draft motion for a resolution

Amendment

52. Calls for the EU-US Trade and Technology Council to hold wide and open consultation with civil society for the development of the joint EU-US *strategy and standards*;

52. Calls for the EU-US Trade and Technology Council to hold wide and open consultation with civil society for the development of the joint EU-US *white list and/or black list*;

Or. en

Amendment 590

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 53**

Draft motion for a resolution

Amendment

53. Calls for talks to be launched with other countries, *in particular Israel, to establish a framework for* spyware

53. Calls for talks to be launched with other countries; *demands that the EU should apply the same standards as*

marketing and export licences, including rules on transparency, a list of eligible countries and due diligence arrangements;

regards to spyware towards its partner countries and therefore stresses that only third countries with an equivalent or stricter legislative framework than in the EU or Member States should be eligible for export of spyware; calls on the Commission to assess the legislation and its implementation in third countries governing spyware;

Or. en

Amendment 591

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution Paragraph 53

Draft motion for a resolution

53. Calls for talks to be launched with other countries, in particular Israel, to establish a framework for spyware marketing and export licences, *including rules on transparency, a list of eligible countries and due diligence arrangements;*

Amendment

53. Calls *on the Member States* for talks to be launched with other countries, in particular Israel, to establish a framework for spyware marketing and export licences;

Or. en

Amendment 592

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

Draft motion for a resolution Paragraph 53

Draft motion for a resolution

53. Calls for talks to be launched *with other countries*, in particular Israel, to establish a framework for spyware marketing and export licences, including rules on transparency, a list of eligible countries and due diligence arrangements;

Amendment

53. Calls for talks to be launched *on a global level*, in particular *with* Israel, to establish a framework for spyware marketing and export licences, including rules on transparency, a list of eligible countries and due diligence arrangements;

Amendment 593
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 54

Draft motion for a resolution

Amendment

54. *Emphasises that compared to the US, where NSO was quickly black-listed and there are bipartisan initiatives for legislation on commercial spyware, no action has been taken in the Union as regards the imports of spyware and the enforcement of the exports rules is wholly inadequate;* ***deleted***

Or. fr

Amendment 594
Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution
Paragraph 54

Draft motion for a resolution

Amendment

54. *Emphasises that compared to the US, where NSO was quickly black-listed and there are bipartisan initiatives for legislation on commercial spyware, no action has been taken in the Union as regards the imports of spyware and the enforcement of the exports rules is wholly inadequate;* ***deleted***

Or. en

Amendment 595
Dominik Tarczyński, Beata Kempa

on behalf of the ECR Group

Draft motion for a resolution

Paragraph 54

Draft motion for a resolution

54. Emphasises that compared to the US, where NSO was quickly black-listed and there are bipartisan initiatives for legislation on commercial spyware, no action has been taken in the **Union** as regards the imports of spyware and the enforcement of the exports rules is wholly inadequate;

Amendment

54. Emphasises that compared to the US, where NSO was quickly black-listed and there are bipartisan initiatives for legislation on commercial spyware, no action has been taken in the **UE Member States** as regards the imports of spyware and the enforcement of the exports rules is wholly inadequate;

Or. en

Amendment 596

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 55

Draft motion for a resolution

55. Concludes that the Union export rules and their enforcement must be given sharp teeth for the protection of human rights of in third countries, and that the EU should seek to join forces with the US and other allies in regulating the trade in spyware and using their combined market power to force change;

Amendment

deleted

Or. fr

Amendment 597

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

Draft motion for a resolution

Paragraph 55

Draft motion for a resolution

55. Concludes that the Union export rules and their enforcement **must be given sharp teeth** for the protection of human rights **of** in third countries, and that the EU should seek to join forces with the US and other allies in regulating the trade in spyware and using their combined market power to force change;

Amendment

55. Concludes that the Union export rules and their enforcement **can be a tool** for the protection of human rights in third countries and **must be given the necessary tools to implement its clauses effectively**; **recalls** that the EU should seek to join forces with the US and other allies in regulating the trade in spyware and using their combined market power to force change;

Or. en

Amendment 598

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

Draft motion for a resolution

Paragraph 55

Draft motion for a resolution

55. Concludes that the Union export rules and their enforcement must be **given sharp teeth** for the protection of human rights of in third countries, and that the EU should seek to join forces with the US and other allies in regulating the trade in spyware and using their combined market power to force change;

Amendment

55. Concludes that the Union export rules and their enforcement must be **strengthened** for the protection of human rights of in third countries, and that the EU should seek to join forces with the US and other allies in regulating the trade in spyware and using their combined market power to force change;

Or. en

Amendment 599

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

Draft motion for a resolution

Paragraph 55

Draft motion for a resolution

55. Concludes that the Union export rules and their enforcement must be given

Amendment

55. Concludes that the Union export rules and their enforcement must be given

sharp teeth for the protection of human rights of in third countries, and that the EU should *seek to join forces with the US and other allies in* regulating the trade in spyware and using *their combined* market power to force change;

sharp teeth for the protection of human rights of in third countries, and that the EU should *start an initiative at global level* regulating the trade in spyware and using *to leverage its* market power to force change;

Or. en

Amendment 600

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 55 a (new)

Draft motion for a resolution

Amendment

55a. Calls on the European Commission not to engage in data exchange especially in the field of justice and home affairs with countries selling or using such spyware; urges the European Commission to stop the current negotiations for agreements with Israel, and Morocco on the exchange of personal data with Europol until a ban on spyware is put into place;

Or. en

Amendment 601

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 55 b (new)

Draft motion for a resolution

Amendment

55b. Underlines that extraterritorial hacking among EU Member States should not occur absent reciprocal judicial

scrutiny of cross border data-gathering measures ensuring 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;

Or. en

Amendment 602

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 55 c (new)**

Draft motion for a resolution

Amendment

55c. Considers that the acquisition, hoarding and use of security vulnerabilities poses a threat to the overall communications and cyber security of EU citizens; highlights that the ability to exploit one device always means creating insecurity for millions of users, therefore considers that spyware exploiting zero click vulnerabilities that target infrastructure used by a significant number of EU citizens poses a particular threat;

Or. en

Amendment 603

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 56**

Draft motion for a resolution

Amendment

56. Calls for a regulation of the

56. Calls for a regulation of the

discovery, sharing, patching and exploitation of vulnerabilities, *without prejudice to* the NIS2 Directive and the proposal for the Cyber Resilience Act;

discovery, sharing, patching and exploitation of vulnerabilities, *creating mandatory frameworks and disclosure requirements completing the basis set by the Cybersecurity Act*, the NIS2 Directive and the proposal for the Cyber Resilience Act;

Or. en

Amendment 604

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

Draft motion for a resolution

Paragraph 56

Draft motion for a resolution

56. Calls for a regulation of the discovery, sharing, patching *and exploitation* of vulnerabilities, *without prejudice to the NIS2 Directive and the proposal for the Cyber Resilience Act*;

Amendment

56. Calls for a regulation of the discovery, *mandatory* sharing, *and mandatory* patching of vulnerabilities;

Or. en

Amendment 605

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 56

Draft motion for a resolution

56. Calls for a regulation of the discovery, sharing, patching and exploitation of vulnerabilities, without prejudice to the NIS2 Directive and the proposal for the Cyber Resilience Act;

Amendment

56. Calls for *consultations to be held on whether to establish* a regulation of the discovery, sharing, patching and exploitation of vulnerabilities, without prejudice to the NIS2 Directive and the proposal for the Cyber Resilience Act;

Or. fr

Amendment 606

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

Draft motion for a resolution

Paragraph 57

Draft motion for a resolution

57. Considers that researchers must be able to research vulnerabilities, and **share** their results without civil and criminal liability under inter alia the Cybercrime Directive and the Copyright Directive;

Amendment

57. Considers that researchers must be able to research vulnerabilities, and **publish** their results without civil and criminal liability under inter alia the Cybercrime Directive and the Copyright Directive;

Or. en

Amendment 607

Ivo Hristov

Draft motion for a resolution

Paragraph 58 a (new)

Draft motion for a resolution

Amendment

58a. Calls for the regulation of the handling of vulnerabilities when it comes to the disclosure of information security research with a view of ending the practice of researchers to keep vulnerabilities secret and to sell them to private companies:

Or. en

Amendment 608

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 58 a (new)

Draft motion for a resolution

Amendment

58a. Calls on the Commission to increase their support and funding for bug bounties and other projects aiming to search for security vulnerabilities, and set up a coordinated approach to mandatory vulnerability disclosure (CVD) among Member States;

Or. en

Amendment 609
Sophia in 't Veld

Draft motion for a resolution
Paragraph 58 a (new)

Draft motion for a resolution

Amendment

58a. Urges the Commission to expand the current bug bounty programmes as funded by the European Commission's Open Source Programme Office;

Or. en

Amendment 610
Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution
Paragraph 59

Draft motion for a resolution

Amendment

59. Calls for a ban on commercial trade in vulnerabilities, and an obligation to disclose the findings of vulnerability research so they can be patched;

deleted

Or. en

Amendment 611
Bart Groothuis, Dragoş Tudorache

Draft motion for a resolution
Paragraph 59

Draft motion for a resolution

59. *Calls for a ban on commercial trade in vulnerabilities, and an obligation to disclose the findings of vulnerability research so they can be patched;*

Amendment

59. *When a government or any other entity makes a disclosure, such disclosure should be made in a coordinated and responsible manner that promotes public safety and does not lead to exploitation of that vulnerability*

Or. en

Amendment 612

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

Draft motion for a resolution
Paragraph 59

Draft motion for a resolution

59. Calls for a ban on *commercial* trade in vulnerabilities, and an obligation to disclose the findings of vulnerability research so they can be patched;

Amendment

59. Calls for a ban on trade in vulnerabilities, and an obligation *on both public and private entities* to disclose the findings of vulnerability research so they can be patched;

Or. en

Amendment 613

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

Draft motion for a resolution
Paragraph 59 a (new)

Draft motion for a resolution

59a. Considers that more Union funding of independent research in IT security is needed;

Amendment

Or. en

Amendment 614

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 60

Draft motion for a resolution

60. Calls ***upon organisations to create*** a publicly available contact point where vulnerabilities can be disclosed in a standardised way ***and for organisations that receive information about vulnerabilities in their system to act immediately to fix; calls for a maximum period to patch disclosed vulnerabilities after disclosure;***

Amendment

60. Calls ***for the creation of*** a publicly available contact point where vulnerabilities can be disclosed in a standardised way;

Or. fr

Amendment 615

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

Draft motion for a resolution

Paragraph 60

Draft motion for a resolution

60. Calls upon organisations to create a publicly available contact point where vulnerabilities can be disclosed in a standardised way and for organisations that receive information about vulnerabilities in their system to act immediately to fix; calls for a maximum period to patch disclosed vulnerabilities after disclosure;

Amendment

60. Calls upon organisations to create a publicly available contact point where vulnerabilities can be disclosed in a standardised way and for organisations that receive information about vulnerabilities in their system to act immediately to fix; calls for a maximum period to patch disclosed vulnerabilities after disclosure; ***such contact points should not prejudice the right of security researchers to publish vulnerabilities;***

Or. en

Amendment 616

Bart Groothuis, Róza Thun und Hohenstein, Ivars Ijabs, Dragoş Tudorache

Draft motion for a resolution

Paragraph 60

Draft motion for a resolution

60. Calls upon organisations to create a publicly available contact point where vulnerabilities can be ***disclosed in a standardised way*** and for organisations that receive information about vulnerabilities in their system to act immediately to fix; calls for a ***maximum period*** to patch ***disclosed*** vulnerabilities after disclosure;

Amendment

60. Calls upon organisations to create a publicly available contact point where vulnerabilities can be ***reported in a coordinated and responsible manner***, and for organisations that receive information about vulnerabilities in their system to ***offer awards*** act immediately to fix; calls for a ***deadline*** to patch vulnerabilities after ***reporting and as part of a coordinated and responsible disclosure process***;

Or. en

Amendment 617

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 60

Draft motion for a resolution

60. Calls upon organisations to create a publicly available contact point where vulnerabilities can be disclosed in a standardised way and for organisations that receive information about vulnerabilities in their system ***to act immediately to fix; calls for a maximum period to patch disclosed vulnerabilities after disclosure***;

Amendment

60. Calls upon organisations to create a publicly available contact point where vulnerabilities can be disclosed in a standardised way and for organisations that receive information about vulnerabilities in their system; ***when patches are available, organisations should be mandated to have the appropriate measure in place to ensure rapid and guaranteed deployment***;

Or. en

Amendment 618

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 60 a (new)

Draft motion for a resolution

Amendment

60a. *Notes that state actors have considerable funding available for buying zero-day vulnerability information; calls upon Member States and Union bodies to allocate this funding to security research for rapidly fixing software vulnerabilities to the benefit of all individuals and of the Union's cybersecurity overall capacities and resilience, rather than procuring and exploiting them for a limited time for the purpose of surveillance by spyware;*

Or. en

Amendment 619
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 61

Draft motion for a resolution

Amendment

61. *Calls for a ban for public authorities to purchase, keep open or stockpile vulnerabilities, except only in limited, specified cases with clear vulnerability equity processes, set in law, with necessity/proportionality test for the decision to disclose or exceptionally withhold a vulnerability, and strict rules on delaying notification, subject to strict oversight by an independent supervising body;*

deleted

Or. fr

Amendment 620
Dominik Tarczyński, Beata Kempa

on behalf of the ECR Group

Draft motion for a resolution
Paragraph 61

Draft motion for a resolution

Amendment

61. calls for a ban for public authorities to purchase, keep open or stockpile vulnerabilities, except only in limited, specified cases with clear vulnerability equity processes, set in law, with necessity/proportionality test for the decision to disclose or exceptionally withhold a vulnerability, and strict rules on delaying notification, subject to strict oversight by an independent supervising body; **deleted**

Or. en

Amendment 621

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

Draft motion for a resolution
Paragraph 61

Draft motion for a resolution

Amendment

61. calls for a ban for public authorities to purchase, keep open or stockpile vulnerabilities, except only in limited, specified cases with clear vulnerability equity processes, set in law, with necessity/proportionality test for the decision to disclose or exceptionally withhold a vulnerability, and strict rules on delaying notification, subject to strict oversight by an independent supervising body; **deleted**

Or. en

Amendment 622

**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 61**

Draft motion for a resolution

61. calls for a ban for public authorities to purchase, keep open or stockpile vulnerabilities, ***except only in limited, specified cases with clear vulnerability equity processes, set in law, with necessity/proportionality test for the decision to disclose or exceptionally withhold a vulnerability, and strict rules on delaying notification, subject to strict oversight by an independent supervising body;***

Amendment

61. calls for a ban for public authorities to purchase, keep open or stockpile vulnerabilities;

Or. en

Amendment 623
Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

**Draft motion for a resolution
Paragraph 61**

Draft motion for a resolution

61. calls for a ban for public authorities to purchase, keep open or stockpile vulnerabilities, ***except only in limited, specified cases with clear vulnerability equity processes, set in law, with necessity/proportionality test for the decision to disclose or exceptionally withhold a vulnerability, and strict rules on delaying notification, subject to strict oversight by an independent supervising body;***

Amendment

61. Calls for a ban for public authorities to purchase, keep open or stockpile vulnerabilities;

Or. en

Amendment 624

Bart Groothuis, Róza Thun und Hohenstein, Ivars Ijabs, Dragoş Tudorache

Draft motion for a resolution

Paragraph 61

Draft motion for a resolution

61. calls *for a ban for public authorities to purchase, keep open or stockpile vulnerabilities, except only in limited, specified cases with clear vulnerability equity processes, set in law, with necessity/proportionality test for the decision to disclose or exceptionally withhold a vulnerability, and strict rules on delaying notification, subject to strict oversight by an independent supervising body;*

Amendment

61. calls *on Member States to develop a vulnerability equities process (VEP) to assess whether and when to disclose not publicly known vulnerabilities they are aware of in information systems and technologies; the process should be procedurally transparent and take into account a full range of views including factors such as network security and resiliency, the security of users and their data, law enforcement and national security utility, and diplomatic and commercial implications;*

Or. en

Amendment 625

Moritz Körner

Draft motion for a resolution

Paragraph 61

Draft motion for a resolution

61. calls for a ban for public authorities to *purchase*, keep open or stockpile vulnerabilities, except only in limited, specified cases with clear vulnerability equity processes, set in law, with necessity/proportionality test for the decision to disclose or exceptionally withhold a vulnerability, and strict rules on delaying notification, subject to strict oversight by an independent supervising body;

Amendment

61. calls for a ban for public authorities to keep open or stockpile vulnerabilities, except only in limited, specified cases with clear vulnerability equity processes, set in law, with necessity/proportionality test for the decision to disclose or exceptionally withhold a vulnerability, and strict rules on delaying notification, subject to strict oversight by an independent supervising body;

Or. en

Amendment 626
Moritz Körner

Draft motion for a resolution
Paragraph 61 a (new)

Draft motion for a resolution

Amendment

61a. *Believes that the economic and societal costs of zero-day exploits can be very significant; calls on the Commission to present a legislative proposal to set up a Technical Vulnerability Reward Program (TVRP) run by ENISA. TVRP shall purchase from security researchers legally obtained unknown design or implementation vulnerabilities, which, through abuse-related methodologies in a valid attack scenario, would substantially affect the confidentiality or integrity of data of at least 500 000 users in the EU. ENISA shall monitor that the responsible stakeholders patch the zero-day vulnerability without delay, and afterwards disclose the vulnerability publicly;*

Or. en

Amendment 627
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 61 a (new)

Draft motion for a resolution

Amendment

61a. *Calls on Member States to refrain from imposing any measures on private providers that would lead to a weakening of the security of their own products in a way that undermines digital security for all users, e.g. by installing mandated backdoors or weakening encryption;*

Amendment 628

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

Draft motion for a resolution

Paragraph 61 a (new)

Draft motion for a resolution

Amendment

61a. Calls for an international framework to outlaw the trade in, and hoarding of, zero-day vulnerabilities, as well as a binding commitment to legislate on an obligation to report and close any vulnerabilities that are not publicly known;

Amendment 629

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Subheading 5

Draft motion for a resolution

Amendment

Telecom networks

deleted

Amendment 630

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 62

Draft motion for a resolution

Amendment

62. Stresses that, if any state actor has an access point to the SS7 network, the licence of the main operator through which the state actor has access, should

deleted

be revoked;

Or. fr

Amendment 631
Sophia in 't Veld

Draft motion for a resolution
Paragraph 62

Draft motion for a resolution

62. Stresses that, *if any state actor has an access point to the SS7 network, the licence of the main operator through which the state actor has access*, should be revoked;

Amendment

62. Stresses that, *the license should be revoked of any service provider that is found to be directly or indirectly facilitating unauthorized or otherwise unlawful access into national and/or international mobile signalling infrastructure involving SS7, DIAMETER, and other relevant protocols, across all generations (currently 2G to 5G), and involving the illicit exfiltration of data pertaining to subscribers, and related manipulation of normal telecom network operations;*

Or. en

Amendment 632
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 63

Draft motion for a resolution

63. *Stresses that the current unlimited possibility for unknown individuals to buy any number for any country in the world available should be better regulated to make malicious activity more difficult to hide;*

Amendment

deleted

Or. fr

Amendment 633

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 63

Draft motion for a resolution

Amendment

63. Stresses that the *current unlimited possibility for unknown individuals to buy any number for any country in the world available should be better regulated to make malicious activity more difficult to hide;* *deleted*

Or. en

Amendment 634

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

Draft motion for a resolution

Paragraph 63

Draft motion for a resolution

Amendment

63. Stresses that the *current unlimited possibility for unknown individuals to buy any number for any country in the world available* should be better regulated to make malicious activity more difficult to hide;

63. Stresses that the *processes through which new phone numbers from all over the world can be created by* unknown individuals should be better regulated to make malicious activity more difficult to hide;

Or. en

Amendment 635

Sophia in 't Veld

Draft motion for a resolution

Paragraph 64

Draft motion for a resolution

Amendment

64. calls on Telecom providers to take firm and demonstrable action against spoofing;

64. Calls on Telecom providers to take firm and demonstrable action *to mitigate* against *the various forms of* spoofing *and other activity involving the manipulation of normal operations of mobile network elements and infrastructure for surveillance purposes by malicious actors including state-level actors as well as criminal groups*;

Or. en

Amendment 636

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

Draft motion for a resolution

Paragraph 64

Draft motion for a resolution

Amendment

64. calls on Telecom providers to take firm and demonstrable action against spoofing;

64. Calls on Telecom providers to take firm and demonstrable action against spoofing, *defined as the act of impersonating an individual or system in order to access the data that was meant for the legitimate user*;

Or. en

Amendment 637

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

Draft motion for a resolution

Paragraph 64

Draft motion for a resolution

Amendment

64. calls on Telecom providers to take firm and demonstrable action against spoofing;

64. Calls on Telecom providers to take firm and demonstrable action against spoofing;

Or. en

Amendment 638

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

Draft motion for a resolution

Paragraph 64 a (new)

Draft motion for a resolution

Amendment

64a. Calls on the Member States to take action to ensure that non-EU state actors that do not respect fundamental rights do not have control of strategic infrastructure, or influence over decisions related to strategic infrastructure within the Union, including telecommunication infrastructure;

Or. en

Amendment 639

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

Draft motion for a resolution

Paragraph 64 b (new)

Draft motion for a resolution

Amendment

64b. Calls on all Member States to prioritise greater investment in the protection of critical infrastructure, such as national telecommunications systems, as in order to prevent privacy breaches and defend the fundamental rights of citizens;

Or. en

Amendment 640

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Subheading 6

Draft motion for a resolution

Amendment

e-Privacy

deleted

Or. fr

Amendment 641

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 65

Draft motion for a resolution

Amendment

65. Calls for the rapid adoption of the e-Privacy Regulation in a way that fully reflects the case-law on the restrictions for national security and the need to prevent abuse of surveillance technologies, strengthens the fundamental right to privacy; points out that the scope for surveillance should not go beyond the e-Privacy Directive;

deleted

Or. fr

Amendment 642

Dominik Tarczyński, Beata Kempa

on behalf of the ECR Group

Draft motion for a resolution

Paragraph 65

Draft motion for a resolution

Amendment

65. Calls for the rapid adoption of the e-Privacy Regulation *in a way that fully reflects the case-law on the restrictions for national security and the need to prevent abuse of surveillance technologies, strengthens the fundamental right to privacy; points out that the scope for surveillance should not*

65. Calls for the rapid adoption of the e-Privacy Regulation;

go beyond the e-Privacy Directive;

Or. en

Amendment 643

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

Draft motion for a resolution

Paragraph 65

Draft motion for a resolution

65. Calls for the rapid adoption of the e-Privacy Regulation in a way that fully reflects the case-law on the restrictions for national security and the need to prevent abuse of surveillance technologies, strengthens the fundamental right to privacy; points out that the scope for surveillance should not go beyond the e-Privacy Directive;

Amendment

65. Calls for the rapid adoption of the e-Privacy Regulation in a way that fully reflects ***and applies*** the case-law on the restrictions for national security and the need to prevent abuse of surveillance technologies, strengthens the fundamental right to privacy, ***provides for robust guarantees and robust enforcement***; points out that the scope for surveillance should not go beyond the e-Privacy Directive;

Or. en

Amendment 644

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

Draft motion for a resolution

Paragraph 65

Draft motion for a resolution

65. Calls for the rapid adoption of the e-Privacy Regulation in a way that fully reflects the case-law on the restrictions for national security and the need to prevent abuse of surveillance technologies, strengthens the fundamental right to privacy; ***points out that the scope for surveillance should not go beyond the e-Privacy Directive;***

Amendment

65. Calls for the rapid adoption of the e-Privacy Regulation in a way that fully reflects the case-law on the restrictions for national security and the need to prevent abuse of surveillance technologies, strengthens the fundamental right to privacy;

Amendment 645

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 65

Draft motion for a resolution

65. Calls for the rapid adoption of the e-Privacy Regulation in a way that fully reflects the case-law on the restrictions for national security and the need to prevent abuse of surveillance technologies, strengthens the fundamental right to privacy; points out that the scope for *surveillance* should not go beyond the e-Privacy Directive;

Amendment

65. Calls for the rapid adoption of the e-Privacy Regulation in a way that fully reflects the case-law on the restrictions for national security and the need to prevent abuse of surveillance technologies, strengthens the fundamental right to privacy; points out that the scope for *lawful interception* should not go beyond the e-Privacy Directive **2002/58/EC**;

Amendment 646

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 65 a (new)

Draft motion for a resolution

65a. Calls for the protection of all electronic communications, content and metadata against the abuse of personal data and private communications by private companies and government authorities; points out that digital safety-by-design tools such as end-to-end encryption should not be weakened;

Amendment

Amendment 647

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

Draft motion for a resolution

Paragraph 65 a (new)

Draft motion for a resolution

Amendment

65a. Calls on the Commission to assess the Member States' implementation of the e-Privacy Directive across the EU, and to take action where violations occur;

Or. en

Amendment 648

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

Draft motion for a resolution

Paragraph 65 b (new)

Draft motion for a resolution

Amendment

65b. Calls on the Council to refrain from adopting legislative proposals that seek to undermine one of the best defences against surveillance: encryption; and commits to refrain from doing so itself;

Or. en

Amendment 649

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Subheading 7

Draft motion for a resolution

Amendment

The role of Europol

deleted

Or. en

Amendment 650
Sophia in 't Veld

Draft motion for a resolution
Paragraph 65 a (new)

Draft motion for a resolution

Amendment

65a. Notes that a letter by Europol to the Chair of the PEGA Committee of December 2022 informs the Committee that Europol contacted five Member States to ascertain whether there is an ongoing or envisaged criminal investigation or another inquiry under the applicable provisions of national law, which could be supported by Europol; stresses that offering assistance to Member States does not constitute the initiation, conduct or coordination of a criminal investigation as laid down in Article 6;

Or. en

Amendment 651
Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 66

Draft motion for a resolution

Amendment

66. Expresses its dismay at the refusal of Europol to make full use of its newly acquired powers under Regulation (EU) 2022/991, enabling it to propose to competent authorities of the Member States concerned to initiate, conduct or coordinate a criminal investigation, especially when the national authorities are unable or unwilling to investigate, and in particular when there is a justified concern that evidence may be destroyed;

deleted

Amendment 652

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

Draft motion for a resolution

Paragraph 66

Draft motion for a resolution

Amendment

66. Expresses its dismay at the refusal of Europol to make full use of its newly acquired powers under Regulation (EU) 2022/991, enabling it to propose to competent authorities of the Member States concerned to initiate, conduct or coordinate a criminal investigation, especially when the national authorities are unable or unwilling to investigate, and in particular when there is a justified concern that evidence may be destroyed; **deleted**

Or. en

Amendment 653

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

Draft motion for a resolution

Paragraph 66

Draft motion for a resolution

Amendment

66. Expresses its dismay at the refusal of Europol to make full use of its newly acquired powers under Regulation (EU) 2022/991, enabling it to propose to competent authorities of the Member States concerned to initiate, conduct or coordinate a criminal investigation, especially when the national authorities are unable or unwilling to investigate, and in particular when there is a justified concern that evidence may be destroyed;

66. Calls on Europol to make full use of its newly acquired powers under Regulation (EU) 2022/991, enabling it to propose to competent authorities of the Member States concerned to initiate, conduct or coordinate a criminal investigation **where relevant;**

Amendment 654
Sophia in 't Veld

Draft motion for a resolution
Paragraph 66

Draft motion for a resolution

66. Expresses its dismay at the refusal of Europol to make full use of its newly acquired powers under Regulation (EU) 2022/991, enabling it to propose to competent authorities of the Member States concerned to initiate, conduct or coordinate a criminal investigation, especially when the national authorities are unable or unwilling to investigate, and in particular when there is a justified concern that evidence may be destroyed;

Amendment

66. Expresses its dismay at the refusal of Europol to make full use of its newly acquired powers under Regulation (EU) 2022/991, enabling it to propose to competent authorities of the Member States concerned to initiate, conduct or coordinate a criminal investigation, especially when the national authorities are unable or unwilling to investigate, and in particular when there is a justified concern that evidence may be destroyed; ***points out that under Article 6 it is for the Member States to reject such a proposal;***

Amendment 655
Dragoş Tudorache, Klemen Grošelj

Draft motion for a resolution
Paragraph 66

Draft motion for a resolution

66. Expresses its dismay at the refusal of Europol to make full use of its newly acquired powers under Regulation (EU) 2022/991, enabling it to propose to competent authorities of the Member States concerned to initiate, conduct or coordinate a criminal investigation, especially when the national authorities are unable or unwilling to investigate, and in particular when there is a justified concern that evidence may be destroyed;

Amendment

66. Expresses its dismay at the refusal of Europol to make full use of its newly acquired powers under ***Art 6 (1a) of the*** Regulation (EU) 2022/991, enabling it to propose to competent authorities of the Member States concerned to initiate, conduct or coordinate a criminal investigation, especially when the national authorities are unable or unwilling to investigate, and in particular when there is a justified concern that evidence may be

destroyed;

Or. en

Amendment 656

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 66

Draft motion for a resolution

66. ***Expresses its dismay at*** the refusal of Europol to make full use of its newly acquired powers under Regulation (EU) 2022/991, enabling it to propose to competent authorities of the Member States concerned to initiate, conduct or coordinate a criminal investigation, especially when the national authorities are unable or unwilling to investigate, and in particular when there is a justified concern that evidence may be destroyed;

Amendment

66. ***Notes*** the refusal of Europol to make full use of its newly acquired powers under Regulation (EU) 2022/991, enabling it to propose to competent authorities of the Member States concerned to initiate, conduct or coordinate a criminal investigation, especially when the national authorities are unable or unwilling to investigate, and in particular when there is a justified concern that evidence may be destroyed;

Or. fr

Amendment 657

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

Draft motion for a resolution

Paragraph 66

Draft motion for a resolution

66. ***Expresses its dismay at the refusal of*** Europol to make full use of its ***newly acquired powers*** under Regulation (EU) 2022/991, enabling it to propose to competent authorities of the Member States concerned to initiate, conduct or coordinate a criminal investigation, ***especially when the national authorities are unable or unwilling to investigate, and in particular when there is a justified concern that***

Amendment

66. ***Underlines that Europol's mission is to support its Member States in preventing and combating all forms of serious international and organised crime, cybercrime and terrorism; calls on*** Europol to make full use of its ***role*** under Regulation (EU) 2022/991, enabling it to propose to competent authorities of the Member States concerned to initiate, conduct or coordinate a criminal

evidence may be destroyed;

investigation *where relevant;*

Or. en

Amendment 658

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

Draft motion for a resolution

Paragraph 66 a (new)

Draft motion for a resolution

Amendment

66a. Calls on Europol to assume a more proactive role in preventing the abusive use of surveillance software, as granted by its new mandate, enforcing the legal provisions pursuant to the Europol Regulation and to use its technological capabilities to assist the Member States authorities in cases where suspicions of abuse or surveillance software is used.

Or. en

Amendment 659

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

Draft motion for a resolution

Paragraph 66 a (new)

Draft motion for a resolution

Amendment

66a. Calls on Europol to join a Memorandum to commit to not make use of data, where there is a reason to believe that it might have been obtained using spyware;

Or. en

Amendment 660

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

Draft motion for a resolution
Paragraph 66 b (new)

Draft motion for a resolution

Amendment

66b. *The competent authorities of the Member States are strongly encouraged to ask for the technical support of Europol in cases where there are serious suspicions of abusive use of surveillance software;*

Or. en

Amendment 661
Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 67

Draft motion for a resolution

Amendment

67. *Calls on all Member States to commit to granting the proposals of Europol under the aforementioned article;* **deleted**

Or. en

Amendment 662
Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou

Draft motion for a resolution
Paragraph 67

Draft motion for a resolution

Amendment

67. *Calls on all Member States to commit to granting the proposals of Europol under the aforementioned article;* **deleted**

Or. en

Amendment 663

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

Draft motion for a resolution

Paragraph 67

Draft motion for a resolution

67. Calls on all Member States to commit to ***granting the proposals of*** Europol ***under the aforementioned article***;

Amendment

67. Calls on all Member States to ***unequivocally*** commit to ***the European Parliament and the Council to involve*** Europol ***in investigations into allegations of illegitimate use of spyware at national level***;

Or. en

Amendment 664

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

Draft motion for a resolution

Paragraph 67

Draft motion for a resolution

67. Calls on all Member States to commit to ***granting the proposals of*** Europol ***under the aforementioned article***;

Amendment

67. Calls on all Member States to ***unequivocally*** commit to ***the European Parliament and the Council to involve*** Europol ***in investigations into allegations of illegitimate use of spyware at national level***;

Or. en

Amendment 665

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 68

Draft motion for a resolution

Amendment

68. *Calls on Europol to set up a register of law enforcement operations involving the use of spyware within Europol, wherein each operation should be identified with a code and for the use of spyware by governments to be included in the annual Internet Organised Crime Threat Assessment report by Europol;* *deleted*

Or. en

Amendment 666

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

Draft motion for a resolution

Paragraph 68

Draft motion for a resolution

Amendment

68. *Calls on Europol to set up a register of law enforcement operations involving the use of spyware within Europol, wherein each operation should be identified with a code and for the use of spyware by governments to be included in the annual Internet Organised Crime Threat Assessment report by Europol;* *deleted*

Or. en

Amendment 667

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

Draft motion for a resolution

Paragraph 68

Draft motion for a resolution

Amendment

68. *Calls on Europol to set up a register of law enforcement operations involving the use of spyware within Europol, wherein each operation should* *deleted*

be identified with a code and for the use of spyware by governments to be included in the annual Internet Organised Crime Threat Assessment report by Europol;

Or. en

Amendment 668

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 68

Draft motion for a resolution

68. Calls on Europol to set up a register of law enforcement operations involving the use of spyware within Europol, wherein each operation should be identified with a code and for the use of spyware by governments to be included in the annual Internet Organised Crime Threat Assessment report by Europol;

Amendment

68. Calls on Europol to set up a register of law enforcement operations involving the use of spyware within Europol, wherein each operation should be identified with a code and for the use of spyware by governments to be included in the annual Internet Organised Crime Threat Assessment report by Europol; ***and to ensure that the European Data Protection Supervisor can assess those operations and checks their compatibility with data protection rules;***

Or. en

Amendment 669

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

Draft motion for a resolution

Paragraph 68

Draft motion for a resolution

68. Calls on ***Europol*** to set up a register of law enforcement operations involving the use of spyware ***within Europol***, wherein each operation should be

Amendment

68. Calls on ***Member States*** to set up a register of law enforcement operations involving the use of spyware ***at national level***, wherein each operation should be

identified with a code and for the use of spyware by governments to be included in the annual Internet Organised Crime Threat Assessment report by Europol;

identified with a code and *to share this information with Europol on a continuous basis for creating a pan-European overview*, for the use of spyware by governments to be included in the annual Internet Organised Crime Threat Assessment report by Europol;

Or. en

Amendment 670

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

Draft motion for a resolution Paragraph 68 a (new)

Draft motion for a resolution

Amendment

68a. Calls on Member States to set up a register of law enforcement operations involving the use of spyware at national level, wherein each operation should be identified with a code and to share this information with Europol on a continuous basis for creating a pan-European overview, for the use of spyware by Member States to be included in the annual Internet Organised Crime Threat Assessment report by Europol;

Or. en

Amendment 671

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution Paragraph 69

Draft motion for a resolution

Amendment

69. Calls for the revision of the Europol Regulation, so that in exceptional cases Europol can also start a criminal investigation without Member

deleted

State consent, in cases where the national authorities fail or refuse to investigate and there are clear threats to the interests and security of the EU;

Or. fr

Amendment 672

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 69

Draft motion for a resolution

Amendment

69. Calls for the revision of the Europol Regulation, so that in exceptional cases Europol can also start a criminal investigation without Member State consent, in cases where the national authorities fail or refuse to investigate and there are clear threats to the interests and security of the EU;

deleted

Or. en

Amendment 673

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

Draft motion for a resolution

Paragraph 69

Draft motion for a resolution

Amendment

69. Calls for the revision of the Europol Regulation, so that in exceptional cases Europol can also start a criminal investigation without Member State consent, in cases where the national authorities fail or refuse to investigate and there are clear threats to the interests and security of the EU;

deleted

Or. en

Amendment 674

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

Draft motion for a resolution

Paragraph 69

Draft motion for a resolution

Amendment

69. *Calls for the revision of the ~~deleted~~ Europol Regulation, so that in exceptional cases Europol can also start a criminal investigation without Member State consent, in cases where the national authorities fail or refuse to investigate and there are clear threats to the interests and security of the EU;*

Or. en

Amendment 675

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

Draft motion for a resolution

Paragraph 69

Draft motion for a resolution

Amendment

69. *Calls for the revision of the ~~deleted~~ Europol Regulation, so that in exceptional cases Europol can also start a criminal investigation without Member State consent, in cases where the national authorities fail or refuse to investigate and there are clear threats to the interests and security of the EU;*

Or. en

Amendment 676

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 69

Draft motion for a resolution

Amendment

69. Calls for the revision of the Europol Regulation, so that in exceptional cases Europol can also start a criminal investigation without Member State consent, in cases where the national authorities fail or refuse to investigate and there are clear threats to the interests and security of the EU;

deleted

Or. en

Amendment 677
Moritz Körner

Draft motion for a resolution
Paragraph 69

Draft motion for a resolution

Amendment

69. Calls for the revision of the Europol Regulation, so that in exceptional cases Europol can also start a criminal investigation without Member State consent, in cases where the national authorities fail or refuse to investigate and there are clear threats to the interests and security of the EU;

69. Calls for the revision of the Europol Regulation, so that in exceptional cases Europol can also start a criminal investigation, ***including investigations of spyware misuse***, without Member State consent, in cases where the national authorities fail or refuse to investigate and there are clear threats to the interests and security of the EU;

Or. en

Amendment 678
Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution
Paragraph 69 a (new)

Draft motion for a resolution

Amendment

69a. *Calls for the revision of Article 88(3) Treaty on the Functioning of the European Union (TFEU) and the ensuing provisions in the Europol Regulation, so that in exceptional cases Europol can also start a criminal investigation without Member State consent, in cases where the national authorities fail or refuse to investigate and there are clear threats to the interests and security of the EU;*

Or. en

Amendment 679

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 70

Draft motion for a resolution

70. Calls on the Commission to implement more rigorous control mechanisms to ensure that Union development aid does not fund or facilitate tools that could impinge on the *principles of democracy, good governance, the rule of law and respect for human rights*; *notes that the Commission's assessments of compliance with Union law, in particular the Financial Regulation, should contain specific control criteria and enforcement mechanisms to prevent such abuses;*

Amendment

70. Calls on the Commission to implement more rigorous control mechanisms to ensure that Union development aid does not fund or facilitate tools that could impinge on the human rights;

Or. en

Amendment 680

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

Draft motion for a resolution
Paragraph 70

Draft motion for a resolution

70. Calls on the Commission to implement more rigorous control mechanisms to ensure that Union development aid does not fund or facilitate tools that could impinge on the principles of democracy, good governance, the rule of law and respect for human rights; notes that the Commission's assessments of compliance with Union law, in particular the Financial Regulation, should contain specific control criteria and enforcement mechanisms to prevent such abuses;

Amendment

70. Calls on the Commission to implement more rigorous ***and effective*** control mechanisms to ensure that Union development aid does not fund or facilitate tools ***and activities*** that could impinge on the principles of democracy, good governance, the rule of law and respect for human rights; notes that the Commission's assessments of compliance with Union law, in particular the Financial Regulation, should contain specific control criteria and enforcement mechanisms to prevent such abuses; ***namely immediately suspending the funding if there is an infringement of the principles of democracy, good governance, the rule of law and respect for human rights;***

Or. en

Amendment 681

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 70

Draft motion for a resolution

70. Calls on the Commission to implement more rigorous control mechanisms to ensure that Union development aid does not fund or facilitate tools that could impinge on the principles of democracy, good governance, the rule of law and respect for human rights; notes that the Commission's assessments of compliance with Union law, in particular the Financial Regulation, should contain specific control criteria and enforcement mechanisms to prevent such abuses;

Amendment

70. Calls on the Commission to implement more rigorous control mechanisms to ensure that Union development aid, ***including the donation of surveillance technology***, does not fund or facilitate tools that could impinge on the principles of democracy, good governance, the rule of law and respect for human rights, ***notably the right to asylum***; notes that the Commission's assessments of compliance with Union law, in particular the Financial Regulation, should contain specific control criteria and enforcement mechanisms to prevent such abuses;

Amendment 682
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Subheading 9

Draft motion for a resolution

Amendment

Union financial regulations

deleted

Or. fr

Amendment 683
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 71

Draft motion for a resolution

Amendment

71. *Highlights that respect for human rights by the financial sector must be enhanced; stresses that the UNGPs 10+ recommendations must be transposed into Union law and that the Due Diligence Directive should fully apply to the financial sector, to ensure respect for democracy, human rights and the rule of law in the financial sector;* *deleted*

Or. fr

Amendment 684
Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 71

Draft motion for a resolution

Amendment

71. Highlights that respect for human

71. Highlights that respect for human

rights by the financial sector must be enhanced; *stresses that the UNGPs 10+ recommendations must be transposed into Union law and that the Due Diligence Directive should fully apply to the financial sector, to ensure respect for democracy, human rights and the rule of law in the financial sector;*

rights by the financial sector must be enhanced;

Or. en

Amendment 685

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

Draft motion for a resolution Paragraph 71

Draft motion for a resolution

71. Highlights that respect for human rights by the financial sector must be enhanced; stresses that the UNGPs 10+ recommendations must be transposed into Union law and that the Due Diligence Directive should *fully* apply to the financial sector, to ensure respect for democracy, human rights and the rule of law in the financial sector;

Amendment

71. Highlights that respect for human rights by the financial sector must be enhanced; stresses that the UNGPs 10+ recommendations must be transposed into Union law and that the Due Diligence Directive should apply to the financial sector, to ensure respect for democracy, human rights and the rule of law in the financial sector;

Or. en

Amendment 686 Sophia in 't Veld

Draft motion for a resolution Paragraph 71 a (new)

Draft motion for a resolution

71a. *Is concerned about the implications of the CJEU decision with regards to the Directive (EU) 2018/843 on the prevention of the use of the financial system for the purposes of money*

laundering or terrorist financing whereby the information of the beneficial ownership of corporate and legal entities established in a national and publicly accessible Register of Beneficial Ownership (UBO) is ruled invalid^{17a}; stresses that this decision enables governments to hide purchases or sales of spyware through proxies and broker companies;

^{17a} CJEU. Press Release No 188/22. Judgement of the Court in Joined Cases C-37/20.

Or. en

Amendment 687
Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Subheading 10

Draft motion for a resolution

Amendment

Follow-up of Parliament resolutions

deleted

Or. en

Amendment 688
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 72

Draft motion for a resolution

Amendment

72. Calls for the urgent follow-up of Parliaments resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens fundamental rights and on transatlantic

deleted

*cooperation in Justice and Home Affairs;
stresses that the following
recommendations need to be carried out
as a matter of urgency;*

Or. fr

Amendment 689

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

**Draft motion for a resolution
Paragraph 72**

Draft motion for a resolution

Amendment

**72. Calls for the urgent follow-up of
Parliaments resolution of 12 March 2014
on the US NSA surveillance programme,
surveillance bodies in various Member
States and their impact on EU citizens
fundamental rights and on transatlantic
cooperation in Justice and Home Affairs;
stresses that the following
recommendations need to be carried out
as a matter of urgency;**

deleted

Or. en

Amendment 690

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

**Draft motion for a resolution
Paragraph 72**

Draft motion for a resolution

Amendment

**72. Calls for the *urgent* follow-up of
Parliaments resolution of 12 March 2014
on the US NSA surveillance programme,
surveillance bodies in various Member
States and their impact on EU citizens
fundamental rights and on transatlantic
cooperation in Justice and Home Affairs;**

**72. Calls for the follow-up of
Parliaments resolution of 12 March 2014
on the US NSA surveillance programme,
surveillance bodies in various Member
States and their impact on EU citizens
fundamental rights and on transatlantic
cooperation in Justice and Home Affairs;**

stresses that the following recommendations need to be carried out as a matter of urgency;

Or. en

Amendment 691
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 73

Draft motion for a resolution

Amendment

73. *Stresses that, despite the fact that oversight of intelligence services' activities should be based on both democratic legitimacy (strong legal framework, ex ante authorisation and ex post verification) and adequate technical capability and expertise, the majority of current EU and US oversight bodies dramatically lack both, in particular the technical capabilities;* **deleted**

Or. fr

Amendment 692
Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 73

Draft motion for a resolution

Amendment

73. *Stresses that, despite the fact that oversight of intelligence services' activities should be based on both democratic legitimacy (strong legal framework, ex ante authorisation and ex post verification) and adequate technical capability and expertise, the majority of current EU and US oversight bodies dramatically lack both, in particular the* **deleted**

technical capabilities;

Or. en

Amendment 693

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

Draft motion for a resolution

Paragraph 73

Draft motion for a resolution

73. Stresses that, despite the fact that oversight of intelligence services' activities should be based on both democratic legitimacy (strong legal framework, ex ante authorisation and ex post verification) and adequate technical capability and expertise, the majority of current EU and US oversight bodies **dramatically** lack both, in particular the technical capabilities;

Amendment

73. Stresses that, despite the fact that oversight of intelligence services' activities should be based on both democratic legitimacy (strong legal framework, **binding** ex ante authorisation and ex post verification) and adequate technical capability and expertise, the majority of current EU and US oversight bodies lack both, in particular the technical capabilities;

Or. en

Amendment 694

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 74

Draft motion for a resolution

74. Calls, as it did in the case of Echelon, on all national parliaments which have not yet done so to install meaningful oversight of intelligence activities by parliamentarians or expert bodies with legal powers to investigate; calls on the national parliaments to ensure that such oversight committees/bodies have sufficient resources, technical expertise and legal

Amendment

deleted

means, including the right to conduct on-site visits, to be able to effectively control intelligence services;

Or. en

Amendment 695

Bart Groothuis, Dragoş Tudorache

Draft motion for a resolution

Paragraph 74

Draft motion for a resolution

74. Calls, as it did in the case of Echelon, on all national parliaments which have not yet done so to install meaningful oversight of intelligence activities by parliamentarians or expert bodies with legal powers to investigate; calls on the national parliaments to ensure that such oversight committees/bodies have sufficient resources, technical expertise and legal means, including the right to conduct on-site visits, to be able to ***effectively control*** intelligence services;

Amendment

74. Calls, as it did in the case of Echelon, on all national parliaments which have not yet done so to install meaningful oversight of intelligence activities by parliamentarians or expert bodies with legal powers to investigate; calls on the national parliaments to ensure that such oversight committees/bodies have ***the infrastructure, processes and security clearances to deal with confidential information, and the*** sufficient resources, technical expertise and legal means, including the right to conduct on-site visits, to be able to ***carry out effective oversight over the*** intelligence services;

Or. en

Amendment 696

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 75

Draft motion for a resolution

75. ***Calls for the setting up of a High-Level Group to propose, in a transparent manner and in collaboration with parliaments, recommendations and***

Amendment

deleted

further steps to be taken for enhanced democratic oversight, including parliamentary oversight, of intelligence services and increased oversight collaboration in the EU, in particular as regards its cross-border dimension;

Or. en

Amendment 697

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

**Draft motion for a resolution
Paragraph 75**

Draft motion for a resolution

Amendment

75. Calls for the setting up of a High-Level Group to propose, in a transparent manner and in collaboration with parliaments, recommendations and further steps to be taken for enhanced democratic oversight, including parliamentary oversight, of intelligence services and increased oversight collaboration in the EU, in particular as regards its cross-border dimension; *deleted*

Or. en

Amendment 698

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 75**

Draft motion for a resolution

Amendment

75. Calls for the setting up of a High-Level Group to propose, in a transparent manner and in collaboration with parliaments, recommendations and further

75. Calls for the setting up of a High-Level Group to propose, in a transparent manner and in collaboration with parliaments, *including the European*

steps to be taken *for enhanced democratic oversight, including parliamentary oversight, of intelligence services and increased oversight collaboration in the EU, in particular as regards its cross-border dimension;*

Parliament, recommendations and further steps to be taken *to best implement the demands of this resolution;*

Or. en

Amendment 699

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 76

Draft motion for a resolution

Amendment

76. Considers this High-Level group should:

deleted

(a) define minimum European standards or guidelines on the ex ante and ex post oversight of the intelligence services on the basis of existing best practices and recommendations by international bodies, such as the UN and the Council of Europe, including the issue of oversight bodies being considered as a third party under the ‘third party rule’, or the principle of ‘originator control’, on the oversight and accountability of intelligence from foreign countries;

(b) set strict limits on the duration and scope of any surveillance ordered unless its continuation is duly justified by the authorising/oversight authority; recalls that the duration of any surveillance ordered should be proportionate and limited to its specific purpose;

(c) develop criteria on enhanced transparency, built on the general principle of access to information and the so-called Tshwane Principles¹⁸ ;

¹⁸ *The Global Principles on National Security and the Right to Information,*

June 2013.

Or. fr

Amendment 700

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

Draft motion for a resolution

Paragraph 76

Draft motion for a resolution

Amendment

76. Considers this High-Level group should: *deleted*

(a) define minimum European standards or guidelines on the ex ante and ex post oversight of the intelligence services on the basis of existing best practices and recommendations by international bodies, such as the UN and the Council of Europe, including the issue of oversight bodies being considered as a third party under the ‘third party rule’, or the principle of ‘originator control’, on the oversight and accountability of intelligence from foreign countries;

(b) set strict limits on the duration and scope of any surveillance ordered unless its continuation is duly justified by the authorising/oversight authority; recalls that the duration of any surveillance ordered should be proportionate and limited to its specific purpose;

(c) develop criteria on enhanced transparency, built on the general principle of access to information and the so-called Tshwane Principles¹⁸ ;

¹⁸ *The Global Principles on National Security and the Right to Information, June 2013.*

Or. en

Amendment 701

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution **Paragraph 76**

Draft motion for a resolution

Amendment

76. Considers this High-Level group should: *deleted*

(a) define minimum European standards or guidelines on the ex ante and ex post oversight of the intelligence services on the basis of existing best practices and recommendations by international bodies, such as the UN and the Council of Europe, including the issue of oversight bodies being considered as a third party under the ‘third party rule’, or the principle of ‘originator control’, on the oversight and accountability of intelligence from foreign countries;

(b) set strict limits on the duration and scope of any surveillance ordered unless its continuation is duly justified by the authorising/oversight authority; recalls that the duration of any surveillance ordered should be proportionate and limited to its specific purpose;

(c) develop criteria on enhanced transparency, built on the general principle of access to information and the so-called Tshwane Principles¹⁸ ;

¹⁸ *The Global Principles on National Security and the Right to Information, June 2013.*

Or. en

Amendment 702

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

Braunsberger-Reinhold

Draft motion for a resolution

Paragraph 76 – point a

Draft motion for a resolution

(a) define minimum European standards or guidelines on the ex ante and ex post oversight of the intelligence services on the basis of existing best practices and recommendations by international bodies, such as the UN and the Council of Europe, including the issue of oversight bodies being considered as a third party under the ‘third party rule’, or the principle of ‘originator control’, on the oversight and accountability of intelligence from foreign countries;

Amendment

(a) define minimum European standards or guidelines on the ***binding*** ex ante and ex post oversight of the intelligence services on the basis of existing best practices and recommendations by international bodies, such as the UN and the Council of Europe, including the issue of oversight bodies being considered as a third party under the ‘third party rule’, or the principle of ‘originator control’, on the oversight and accountability of intelligence from foreign countries

Or. en

Amendment 703

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

Draft motion for a resolution

Paragraph 76 – point b

Draft motion for a resolution

(b) set strict limits on the duration and scope of any surveillance ordered unless its continuation is duly justified by the authorising/oversight authority; recalls that the duration of any surveillance ordered should be proportionate and limited to its specific purpose;

Amendment

(b) set strict limits on the duration and scope of any ***exceptional*** surveillance ordered unless its continuation is duly justified by the authorising/oversight authority; recalls that the duration of any surveillance ordered should be proportionate and limited to its specific purpose;

Or. en

Amendment 704

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

Draft motion for a resolution
Paragraph 76 – point b

Draft motion for a resolution

(b) **set** strict limits on the duration and scope of any surveillance ordered unless its continuation is duly justified by the authorising/oversight authority; recalls that the duration of any surveillance ordered should be proportionate and limited to its specific purpose;

Amendment

(b) **recommend** strict limits on the duration and scope of any surveillance ordered unless its continuation is duly justified by the authorising/oversight authority; recalls that the duration of any surveillance ordered should be proportionate and limited to its specific purpose;

Or. en

Amendment 705
Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 77

Draft motion for a resolution

77. **Intends to organise a conference with national oversight bodies, whether parliamentary or independent;**

Amendment

deleted

Or. en

Amendment 706
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 77

Draft motion for a resolution

77. **Intends to organise** a conference with national oversight bodies, whether parliamentary or independent;

Amendment

77. **Calls for** a conference with national oversight bodies, whether parliamentary or independent, **to be held;**

Or. fr

Amendment 707

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 78

Draft motion for a resolution

Amendment

78. Calls on the Member States to draw on best practices so as to improve access by their oversight bodies to information on intelligence activities (including classified information and information from other services) and establish the power to conduct on-site visits, a robust set of powers of interrogation, adequate resources and technical expertise, strict independence vis-à-vis their respective governments, and a reporting obligation to their respective parliaments; *deleted*

Or. fr

Amendment 708

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 78

Draft motion for a resolution

Amendment

78. Calls on the Member States to draw on best practices so as to improve access by their oversight bodies to information on intelligence activities (including classified information and information from other services) and establish the power to conduct on-site visits, a robust set of powers of interrogation, adequate resources and technical expertise, strict independence vis-à-vis their respective governments, and a reporting obligation to their respective *deleted*

parliaments;

Or. en

Amendment 709

Bart Groothuis, Dragoş Tudorache

Draft motion for a resolution

Paragraph 78

Draft motion for a resolution

78. Calls on the Member States to draw on best practices so as to improve access by their oversight bodies to information on intelligence activities (including classified information and information from other services) and establish the power to conduct on-site visits, a robust set of powers of interrogation, adequate resources and technical expertise, strict independence vis-à-vis their respective governments, and a reporting obligation to their respective parliaments;

Amendment

78. Calls on the Member States to draw on best practices so as to improve ***confidential*** access by their oversight bodies to information on intelligence activities (including classified information and information from other services), ***the processes and infrastructure to ensure confidentiality***, and establish the power to conduct on-site visits, a robust set of powers of interrogation, adequate resources and technical expertise, strict independence vis-à-vis their respective governments, and a reporting obligation to their respective parliaments

Or. en

Amendment 710

Dominik Tarczyński, Beata Kempa

on behalf of the ECR Group

Draft motion for a resolution

Paragraph 79

Draft motion for a resolution

79. Calls on the Member States to develop cooperation among oversight bodies, in particular within the European Network of National Intelligence Reviewers (ENNIR);

Amendment

deleted

Or. en

Amendment 711

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

Draft motion for a resolution

Paragraph 79

Draft motion for a resolution

79. Calls on the Member States to develop cooperation among oversight bodies, in particular within the European *Network of National Intelligence Reviewers (ENNIR)*;

Amendment

79. Calls on the Member States to develop cooperation among oversight bodies, in particular within the *context of the European Intelligence Oversight Group (EIOG) and the European Intelligence Oversight Conference (EIOC)*;

Or. en

Amendment 712

Sophia in 't Veld

Draft motion for a resolution

Paragraph 79

Draft motion for a resolution

79. Calls on the Member States to develop cooperation among oversight bodies, *in particular within the European Network of National Intelligence Reviewers (ENNIR)*;

Amendment

79. Calls on the Member States to develop cooperation among oversight bodies;

Or. en

Amendment 713

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 80

Draft motion for a resolution

Amendment

80. Calls on the Commission to present, a proposal for a Union security clearance procedure for all office holders in the Union, as the current system, which relies on the security clearance undertaken by the Member State of citizenship, provides for different requirements and lengths of procedures within national systems, thus leading to differing treatment of Members of Parliament and their staff depending on their nationality;

deleted

Or. fr

Amendment 714

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 80

Draft motion for a resolution

Amendment

80. Calls on the Commission to present, a proposal for a Union security clearance procedure for all office holders in the Union, as the current system, which relies on the security clearance undertaken by the Member State of citizenship, provides for different requirements and lengths of procedures within national systems, thus leading to differing treatment of Members of Parliament and their staff depending on their nationality;

deleted

Or. en

Amendment 715

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

Draft motion for a resolution
Paragraph 80

Draft motion for a resolution

Amendment

80. Calls on the Commission to present, a proposal for a Union security clearance procedure for all office holders in the Union, as the current system, which relies on the security clearance undertaken by the Member State of citizenship, provides for different requirements and lengths of procedures within national systems, thus leading to differing treatment of Members of Parliament and their staff depending on their nationality;

deleted

Or. en

Amendment 716

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 81

Draft motion for a resolution

Amendment

81. Recalls the provisions of the inter-institutional agreement between the European Parliament and the Council concerning the forwarding to and handling by Parliament of classified information held by the Council on matters other than those in the area of the common foreign and security policy, which should be used to improve oversight at EU level;

deleted

Or. fr

Amendment 717

Dominik Tarczyński, Beata Kempa

on behalf of the ECR Group

Draft motion for a resolution

Paragraph 81

Draft motion for a resolution

Amendment

81. Recalls the provisions of the inter-institutional agreement between the European Parliament and the Council concerning the forwarding to and handling by Parliament of classified information held by the Council on matters other than those in the area of the common foreign and security policy, which should be used to improve oversight at EU level; *deleted*

Or. en

Amendment 718

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

Draft motion for a resolution

Paragraph 81

Draft motion for a resolution

Amendment

81. Recalls the provisions of the inter-institutional agreement between the European Parliament and the Council concerning the forwarding to and handling by Parliament of classified information held by the Council on matters other than those in the area of the common foreign and security policy, which should be used to improve oversight at EU level; *deleted*

Or. en

Amendment 719

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

Draft motion for a resolution

Paragraph 81

Draft motion for a resolution

81. **Recalls** the provisions of the inter-institutional agreement between the European Parliament and the Council concerning the forwarding to and handling by Parliament of classified information held by the Council on matters other than those in the area of the common foreign and security policy, which should be used to improve oversight at EU level;

Amendment

81. **Insists that the Council should improve its rules and procedures on transparency, including the accessibility and classification of documents, for instance by fully implementing** the provisions of the inter-institutional agreement between the European Parliament and the Council concerning the forwarding to and handling by Parliament of classified information held by the Council on matters other than those in the area of the common foreign and security policy, which should be used to improve oversight at EU level; **recalls Regulation (EC) 1049/2001 of the European Parliament and the Council of 30 May 2011 regarding public access to European Parliament, Council and Commission documents, which has the purpose to confer on the public the widest possible right of access to the documents of the institutions, considers that any exceptions have to be interpreted and applied strictly and the institutions have the obligation to demonstrate how disclosure would specifically and actually undermine the interests protected by the exceptions;**

Or. en

Amendment 720

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Subheading 11

Draft motion for a resolution

Union research programmes

Amendment

deleted

Or. fr

Amendment 721

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Subheading 11

Draft motion for a resolution

Amendment

Union research programmes

deleted

Or. en

Amendment 722
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 82

Draft motion for a resolution

Amendment

82. *Calls for the implementation of more rigorous control mechanisms to ensure that Union research funds do not fund or facilitate tools that infringe on EU values; notes that assessments of compliance with Union law should contain specific control criteria to prevent such abuses;*

deleted

Or. fr

Amendment 723
Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 82

Draft motion for a resolution

Amendment

82. *Calls for the implementation of more rigorous control mechanisms to ensure that Union research funds do not fund or facilitate tools that infringe on EU values; notes that assessments of*

deleted

compliance with Union law should contain specific control criteria to prevent such abuses;

Or. en

Amendment 724
Sophia in 't Veld

Draft motion for a resolution
Paragraph 82

Draft motion for a resolution

82. Calls for the implementation of more rigorous control mechanisms to ensure that Union research funds do not fund or facilitate tools that infringe on EU values; notes that assessments of compliance with Union law should contain specific control criteria to prevent such abuses;

Amendment

82. Calls for the implementation of more rigorous control mechanisms to ensure that Union research funds do not fund or facilitate tools that infringe on EU values; notes that assessments of compliance with Union law should contain specific control criteria to prevent such abuses; ***calls for the termination of Union research funds to entities that are or have been involved in the direct or indirect facilitation of human rights violations by surveillance tools;***

Or. en

Amendment 725
Moritz Körner, Róza Thun und Hohenstein

Draft motion for a resolution
Paragraph 82

Draft motion for a resolution

82. Calls for the implementation of more rigorous control mechanisms to ensure that Union research funds do not fund or facilitate tools that infringe on EU values; notes that assessments of compliance with Union law should contain specific control criteria to prevent such abuses;

Amendment

82. Calls for the implementation of more rigorous control mechanisms to ensure that Union research funds do not fund or facilitate tools, ***including spyware and surveillance tools,*** that infringe on EU values; notes that assessments of compliance with Union law should contain specific control criteria to prevent such

abuses;

Or. en

Amendment 726

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

Draft motion for a resolution

Paragraph 82

Draft motion for a resolution

82. Calls for the implementation of more rigorous control mechanisms to ensure that Union research funds do not fund or facilitate tools that infringe on EU values; notes that assessments of compliance with Union law should contain specific control criteria to prevent such abuses;

Amendment

82. Calls for the implementation of more rigorous ***and effective*** control mechanisms to ensure that Union research funds do not fund or facilitate tools that infringe on EU values; notes that assessments of compliance with Union law should contain specific control criteria to prevent such abuses;

Or. en

Amendment 727

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 82 a (new)

Draft motion for a resolution

Amendment

82a. Stresses that EU funding for research, such as the Horizon Europe agreements with third countries, notably Israel, must not be used to contribute to the development of spyware and equivalent technologies;

Or. en

Amendment 728

Gilles Lebreton, Mathilde Androuët

**Draft motion for a resolution
Subheading 12**

Draft motion for a resolution

Amendment

A Union Tech Lab

deleted

Or. fr

Amendment 729

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

**Draft motion for a resolution
Subheading 12**

Draft motion for a resolution

Amendment

A Union Tech Lab

deleted

Or. en

Amendment 730

Gilles Lebreton, Mathilde Androuët

**Draft motion for a resolution
Paragraph 83**

Draft motion for a resolution

Amendment

83. *Calls on the Commission to initiate without delay the creation of an independent European interdisciplinary institute, with a focus on research and development at the nexus of information and communication technology, fundamental rights and security, which will also be tasked with discovering and exposing the unlawful use of software for illicit surveillance purposes;* ***deleted***

Or. fr

Amendment 731

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution Paragraph 83

Draft motion for a resolution

Amendment

83. *Calls on the Commission to initiate without delay the creation of an independent European interdisciplinary institute, with a focus on research and development at the nexus of information and communication technology, fundamental rights and security, which will also be tasked with discovering and exposing the unlawful use of software for illicit surveillance purposes;* *deleted*

Or. en

Amendment 732

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

Draft motion for a resolution Paragraph 83

Draft motion for a resolution

Amendment

83. Calls on the Commission to initiate without delay the creation of an **independent** European interdisciplinary institute, with a focus on research and development at the nexus of information and communication technology, fundamental rights and security, which will also be tasked with discovering and exposing the unlawful use of software for illicit surveillance purposes;

83. Calls on the Commission to initiate without delay the creation of an **independently-run** European interdisciplinary **research** institute, **much like the Toronto-based Citizen Lab**, with a focus on research and development at the nexus of information and communication technology, fundamental rights and security, which will also be tasked with discovering and exposing the unlawful use of software for illicit surveillance purposes; **it would contribute to better awareness, attribution and accountability in and beyond Europe, as well as increase the European talent base and our**

understanding of how spyware vendors develop, maintain, sell and deliver their services to third parties

Or. en

Amendment 733

Ivo Hristov

Draft motion for a resolution

Paragraph 83

Draft motion for a resolution

83. Calls on the Commission to initiate without delay the creation of an independent European interdisciplinary institute, with a focus on research and development at the nexus of information and communication technology, fundamental rights and security, which will also be tasked with discovering and exposing the unlawful use of software for illicit surveillance purposes;

Amendment

83. Calls on the Commission to initiate without delay the creation of an independent European interdisciplinary institute, with a focus on research and development at the nexus of information and communication technology, fundamental rights and security, which will also be tasked with *the monitoring of surveillance equipment imports and exports from the EU as well as the* discovering and exposing the unlawful use of software for illicit surveillance purposes;

Or. en

Amendment 734

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 83

Draft motion for a resolution

83. Calls on the Commission to initiate without delay the creation of an independent European interdisciplinary institute, with a focus on research and development at the nexus of information and communication technology,

Amendment

83. Calls on the Commission to initiate without delay the creation of an independent European interdisciplinary institute, with a focus on research and development at the nexus of information and communication technology,

fundamental rights and security, which will also be tasked with discovering and exposing the unlawful use of software for illicit surveillance purposes;

fundamental rights and security, which will also be tasked with discovering and exposing the unlawful use of software for illicit surveillance purposes; ***considers that the institute should fulfil the following tasks:***

Or. en

Amendment 735

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

Draft motion for a resolution Paragraph 83

Draft motion for a resolution

83. Calls on the Commission to initiate ***without delay the creation of*** an independent European interdisciplinary institute, with a focus on research and development at the nexus of information and communication technology, fundamental rights and security, which will also ***be tasked with discovering and exposing the unlawful*** use of ***software for illicit surveillance purposes;***

Amendment

83. Calls on the Commission to initiate ***a proposal for*** an independent European interdisciplinary institute, with a focus on research and development at the nexus of information and communication technology, fundamental rights and security, which will also ***research the*** use of ***spyware and will provide technical and legal support to victims of abuse of spyware;***

Or. en

Amendment 736

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 83 – point a (new)

Draft motion for a resolution

Amendment

(a) accessible and free legal and technological support, such as smartphone-screenings for individuals who suspect to have been targeted by

highly intrusive spyware as defined in §26b;

Or. en

Amendment 737

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 83 – point b (new)

Draft motion for a resolution

Amendment

(b) regular reporting on the use and misuse of spyware in the EU, taking into account technological updates and the need to review existing legislation as well as the enforcement of existing legislation; the report should be made available annually and transmitted to the joint Commission and Parliament Oversight body;

Or. en

Amendment 738

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 83 – point c (new)

Draft motion for a resolution

Amendment

(c) provide, upon request, expertise to Member States authorities, the Commission, the European Parliament and joint Commission and Parliament oversight body

Or. en

Amendment 739

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 83 – point d (new)

Draft motion for a resolution

Amendment

(d) performs forensic analytical research for judicial investigations

Or. en

Amendment 740

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

Draft motion for a resolution

Paragraph 83 a (new)

Draft motion for a resolution

Amendment

83a. Calls on the Commission to task the European interdisciplinary institute with the provision of the tools necessary for a detection service for Pegasus and equivalent spyware open to citizens, human rights defenders, journalists, lawyers and politicians and the general public;

Or. en

Amendment 741

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 83 a (new)

Draft motion for a resolution

Amendment

83a. Recommends that the Commission puts forward a certification scheme for analysis and authentication of forensic material

Or. en

Amendment 742

Andrzej Halicki, Bartosz Arłukowicz, Radosław Sikorski, Vladimír Bilčík

Draft motion for a resolution

Subheading 12 a (new)

Draft motion for a resolution

Amendment

Redress on EU level

Or. en

Amendment 743

Moritz Körner

Draft motion for a resolution

Subheading 12 a (new)

Draft motion for a resolution

Amendment

Software Expiry Date

Or. en

Amendment 744

Andrzej Halicki, Bartosz Arłukowicz, Radosław Sikorski, Vladimír Bilčík

Draft motion for a resolution

Paragraph 83 a (new)

Draft motion for a resolution

Amendment

83a. Recalls that citizens of all Member States are also European citizens and thus the EU should ensure that their rights, as enshrined in the EU Charter of

Fundamental Rights, are protected; in light of lack of an effective redress in some Member States for victims of illegal surveillance, calls on the Commission to put forward a proposal to create an independent body that would provide legal and technical advice to such victims; furthermore, such body should be tasked with providing expert assistance to the Commission in view of developing common minimum standards for proper redress mechanisms across the EU;

Or. en

Amendment 745
Moritz Körner

Draft motion for a resolution
Paragraph 83 a (new)

Draft motion for a resolution

Amendment

83a. Believes that software security should be made an element of market competition; calls on the Commission to present a legislative proposal to require software developers and connected-device manufacturers to publish on their products (product package, app store, etc.) the minimum expiry date until which they oblige themselves to provide security updates for their products;

Or. en

Amendment 746
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 83 b (new)

Draft motion for a resolution

Amendment

83b. Recommends that the Commission sets up the Union Tech Lab in close cooperation with CERT EU and ENISA and consults with relevant experts, such as Amnesty-Tech Lab and the Canadian CitizenLab, when establishing the Union Tech Lab to learn from best practices in the academic field

Or. en

Amendment 747

Andrzej Halicki, Bartosz Arłukowicz, Radosław Sikorski, Vladimír Bilčík

Draft motion for a resolution

Paragraph 83 b (new)

Draft motion for a resolution

Amendment

83b. Calls on the European Ombudsman to initiate discussions within the European Network of Ombudsmen on the impact of the misuse of pervasive surveillance on democratic processes and citizen's rights; call on the Network to develop recommendations on effective and meaningful redress across the EU;

Or. en

Amendment 748

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 83 c (new)

Draft motion for a resolution

Amendment

83c. Underlines the importance for sufficient funding of academia in the field of hacking and security vulnerabilities;

calls on the Commission to create a research program to support research in this field; stresses the importance of ensuring adequate staffing of the Union Tech Lab

Or. en

Amendment 749

Andrzej Halicki, Bartosz Arłukowicz, Radosław Sikorski, Vladimír Bilčík

Draft motion for a resolution

Subheading 12 b (new)

Draft motion for a resolution

Amendment

Protection of EU elections from interference

Or. en

Amendment 750

Andrzej Halicki, Bartosz Arłukowicz, Radosław Sikorski, Vladimír Bilčík

Draft motion for a resolution

Paragraph 83 c (new)

Draft motion for a resolution

Amendment

83c. Calls on the Commission to set up a special taskforce dedicated to protection of the 2024 European elections across the Union; recalls that not only foreign but also internal interference poses a threat to the European electoral processes; stresses that in case of misuse of pervasive surveillance tools, such as Pegasus, elections may be affected, especially where information collected is subject to manipulation and is used to carry out smear campaigns against certain candidates in order to diminish their chances of success in elections to the benefit of their adversaries;

Amendment 751
Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Subheading 13

Draft motion for a resolution

Amendment

Rule of law

deleted

Amendment 752
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Subheading 13

Draft motion for a resolution

Amendment

Rule of law

deleted

Amendment 753
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 84

Draft motion for a resolution

Amendment

84. Stresses that the impact of the illegitimate use of spyware is much more pronounced in Member States where authorities that would usually be tasked with investigating and providing redress to victims, are captured by the state and that where a rule of law crisis exists, the national authorities cannot be relied

deleted

upon;

Or. fr

Amendment 754

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution Paragraph 84

Draft motion for a resolution

84. Stresses that the impact of the illegitimate use of spyware is much **more pronounced in Member States** where **authorities that would usually be tasked with investigating and providing redress to victims, are captured by the state and that where a rule of law crisis exists, the national authorities cannot be relied upon;**

Amendment

84. Stresses that the impact of the illegitimate use of spyware is much **worse in countries** where **democratic mechanisms have become a sham, there is no real opposition and voters have been deprived of a real choice because all major parties belong to the same political stream; stresses that in such countries politicians, media and NGOs exercise far-reaching self-control and do not disclose facts that are inconvenient for the government; such a conspiracy of silence effectively prevents the public from learning about abuses of power, including surveillance and manipulation by digital means;**

Or. en

Amendment 755

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

Draft motion for a resolution Paragraph 84

Draft motion for a resolution

84. Stresses that the impact of the illegitimate use of spyware is **much** more pronounced in Member States where authorities that would usually be tasked

Amendment

84. Stresses that the impact of the illegitimate use of spyware is **even** more pronounced in Member States where authorities that would usually be tasked

with investigating and providing redress to *victims, are captured* by the *state and that where* a rule of law *crisis exists*, the national authorities cannot be relied upon;

with investigating and providing redress to *persons illegally targeted, have been found to lack independence* by the *Commission and the Parliament, giving rise to* a rule of law *crises, so that* the national authorities cannot be relied upon;

Or. en

Amendment 756

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 84

Draft motion for a resolution

84. Stresses that the impact of the illegitimate use of spyware is much more pronounced in Member States where authorities that would usually be tasked with investigating and providing redress to victims, are captured by the state and that where a rule of law crisis exists, the national authorities cannot be relied upon;

Amendment

84. Stresses that the impact of the illegitimate use of spyware is much more pronounced in Member States where authorities that would usually be tasked with investigating and providing redress to victims, are captured by the state and that where a rule of law crisis exists, the national authorities cannot be relied upon *and the independence of the judiciary is endangered*;

Or. en

Amendment 757

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

Draft motion for a resolution

Paragraph 84

Draft motion for a resolution

84. Stresses that *the impact of* the illegitimate use of spyware is much more *pronounced* in Member States where authorities that would usually be tasked with investigating and providing redress to

Amendment

84. Stresses that *ensuring accountability and an independent investigation into* the illegitimate use of spyware is much more *challenging* in Member States where *a rule of law crisis*

victims, are captured by the state and *that where a rule of law crisis exists, the national authorities* cannot be relied upon;

exists, since the authorities that would usually be tasked with investigating and providing redress to victims, are captured by the state and cannot be relied upon;

Or. en

Amendment 758
Carles Puigdemont i Casamajó

Draft motion for a resolution
Paragraph 84

Draft motion for a resolution

84. Stresses that the impact of the illegitimate use of spyware is *much more pronounced in Member States* where *authorities that would usually be tasked with investigating and providing redress to victims, are captured by the state and that where a rule of law crisis exists, the national authorities cannot be relied upon;*

Amendment

84. Stresses that the impact of the illegitimate use of spyware is *very concerning in all cases, both in those cases* where *there is a general failure of the rule of law and in the cases where there is an identifiable group that suffers persecution by the* authorities;

Or. en

Amendment 759
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 85

Draft motion for a resolution

85. *Calls therefore on the Commission to ensure a proactive implementation of its Rule of Law toolbox, particularly by:*

(a) putting in place a more comprehensive monitoring of the Rule of Law, including assessing the responsiveness of State institutions to provide redress to victims of spyware, in particular to journalists, and by broadening the scope of its annual Rule of Law report and include all challenges

deleted

Amendment

to Democracy, the Rule of Law and Fundamental Rights as included in Article 2 TEU, as repeatedly asked for by Parliament;

(b) proactively pursuing and bundling infringement procedures against Member States for Rule of Law deficiencies such as threats to the independence of the judiciary and the effective functioning of the police and prosecutorial service; and

(c) broadening the Commission assessment for the purpose of the Rule of Law budget conditionality regime, in particular by looking at the impacts of the use of spyware on the accountability of public spending;

Or. fr

Amendment 760

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution **Paragraph 85**

Draft motion for a resolution

Amendment

85. Calls therefore on the Commission to ensure a proactive implementation of its Rule of Law toolbox, particularly by: *deleted*

(a) putting in place a more comprehensive monitoring of the Rule of Law, including assessing the responsiveness of State institutions to provide redress to victims of spyware, in particular to journalists, and by broadening the scope of its annual Rule of Law report and include all challenges to Democracy, the Rule of Law and Fundamental Rights as included in Article 2 TEU, as repeatedly asked for by Parliament;

(b) proactively pursuing and bundling infringement procedures against Member

States for Rule of Law deficiencies such as threats to the independence of the judiciary and the effective functioning of the police and prosecutorial service; and

(c) broadening the Commission assessment for the purpose of the Rule of Law budget conditionality regime, in particular by looking at the impacts of the use of spyware on the accountability of public spending;

Or. en

Amendment 761

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

Draft motion for a resolution

Paragraph 85 – introductory part

Draft motion for a resolution

85. Calls therefore on the Commission to ensure *a proactive* implementation of its Rule of Law toolbox, particularly by:

Amendment

85. Calls therefore on the Commission to ensure *an effective* implementation of its Rule of Law toolbox, particularly by:

Or. en

Amendment 762

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

Draft motion for a resolution

Paragraph 85 – introductory part

Draft motion for a resolution

85. Calls therefore on the Commission to ensure a proactive implementation of its Rule of Law toolbox, *particularly by:*

Amendment

85. Calls therefore on the Commission to ensure a proactive implementation of its Rule of Law toolbox;

Or. en

Amendment 763

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

Draft motion for a resolution
Paragraph 85 – point a

Draft motion for a resolution

Amendment

(a) *putting in place a more comprehensive monitoring of the Rule of Law, including assessing the responsiveness of State institutions to provide redress to victims of spyware, in particular to journalists, and by broadening the scope of its annual Rule of Law report and include all challenges to Democracy, the Rule of Law and Fundamental Rights as included in Article 2 TEU, as repeatedly asked for by Parliament;*

deleted

Or. en

Amendment 764

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 85 – point a

Draft motion for a resolution

Amendment

(a) putting in place a more comprehensive monitoring of the Rule of Law, including assessing the responsiveness of State institutions to provide redress to victims *of spyware*, in particular to journalists, and by broadening the scope of its annual Rule of Law report and include all challenges to Democracy, the Rule of Law and Fundamental Rights as included in Article 2 TEU, as repeatedly asked for by Parliament;

(a) putting in place a more comprehensive monitoring of the Rule of Law, including *country-specific recommendations related to Member States' unlawful use of spyware and* assessing the responsiveness of State institutions to provide redress to victims, in particular to journalists, *politicians, law enforcement officials, diplomats, lawyers, business people, civil society actors and other actors* and by broadening the scope of its annual Rule of Law report and include all challenges to Democracy, the Rule of Law and Fundamental Rights as

included in Article 2 TEU, as repeatedly asked for by Parliament;

Or. en

Amendment 765

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

Draft motion for a resolution

Paragraph 85 – point a

Draft motion for a resolution

(a) putting in place a more comprehensive monitoring of the Rule of Law, including assessing the responsiveness of State institutions to provide redress to victims of spyware, in particular to journalists, **and** by broadening the scope of its annual Rule of Law report and include all challenges to Democracy, the Rule of Law and Fundamental Rights as included in Article 2 TEU, as repeatedly asked for by Parliament;

Amendment

(a) putting in place a more comprehensive monitoring of the Rule of Law, including assessing the responsiveness of State institutions to provide redress to victims of spyware, in particular to journalists, by broadening the scope of its annual Rule of Law report and include all challenges to Democracy, the Rule of Law and Fundamental Rights as included in Article 2 TEU, as repeatedly asked for by Parliament, **and by issuing country-specific recommendations on this matter**;

Or. en

Amendment 766

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

Draft motion for a resolution

Paragraph 85 – point b

Draft motion for a resolution

(b) proactively pursuing and bundling infringement procedures against Member States for Rule of Law deficiencies such as threats to the independence of the judiciary and the effective functioning of the police and prosecutorial service; and

Amendment

deleted

Amendment 767

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

Draft motion for a resolution

Paragraph 85 – point b

Draft motion for a resolution

(b) proactively pursuing and bundling infringement procedures against Member States for Rule of Law deficiencies such as threats to the independence of the judiciary and the effective functioning of the police and prosecutorial service; and

Amendment

(b) proactively pursuing and bundling ***and exhausting the possibilities of*** infringement procedures against Member States for Rule of Law deficiencies such as threats to the independence of the judiciary and the effective functioning of the police and prosecutorial service; and

Or. en

Amendment 768

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 85 – point b

Draft motion for a resolution

(b) proactively ***pursuing*** and bundling infringement procedures against Member States for Rule of Law deficiencies such as threats to the independence of the judiciary and the effective functioning of the police and prosecutorial service; and

Amendment

(b) proactively ***launching*** and bundling infringement procedures against Member States for Rule of Law deficiencies such as threats to the independence of the judiciary and the effective functioning of the police and prosecutorial service; and

Or. en

Amendment 769

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

Draft motion for a resolution
Paragraph 85 – point c

Draft motion for a resolution

Amendment

(c) broadening the Commission assessment for the purpose of the Rule of Law budget conditionality regime, in particular by looking at the impacts of the use of spyware on the accountability of public spending;

deleted

Or. en

Amendment 770

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 85 – point c

Draft motion for a resolution

Amendment

(c) broadening the Commission assessment for the purpose of the Rule of Law budget conditionality regime, in particular by looking at the impacts of the use of spyware on the accountability of public spending;

(c) broadening the Commission assessment for the purpose of the Rule of Law budget conditionality regime, in particular by looking at the impacts of the use of spyware on the accountability of public spending *and the protection of EU's financial interests;*

Or. en

Amendment 771

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 85 a (new)

Draft motion for a resolution

Amendment

85a. Calls on the Council of the EU to

address developments related to the use of spyware and its impact on the values enshrined in Article 2 TEU during hearings organised under Article 7(1) TEU;

Or. en

Amendment 772
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Subheading 14

Draft motion for a resolution

Amendment

Union litigation fund

deleted

Or. fr

Amendment 773
Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Subheading 14

Draft motion for a resolution

Amendment

Union litigation fund

deleted

Or. en

Amendment 774
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 86

Draft motion for a resolution

Amendment

86. Calls for the establishment, without undue delay, of a Union

deleted

Litigation Fund to cover the actual litigation costs and enable the victims of spyware to seek adequate redress in line with the Preparatory Action adopted by Parliament in 2017, to create an ‘EU fund for financial support for litigating cases relating to violations of democracy, rule of law and fundamental rights’;

Or. fr

Amendment 775

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 86

Draft motion for a resolution

Amendment

86. Calls for the establishment, without undue delay, of a Union Litigation Fund to cover the actual litigation costs and enable the victims of spyware to seek adequate redress in line with the Preparatory Action adopted by Parliament in 2017, to create an ‘EU fund for financial support for litigating cases relating to violations of democracy, rule of law and fundamental rights’;

deleted

Or. en

Amendment 776

Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arłukowicz, Karolin Braunsberger-Reinhold, Jörgen Warborn

Draft motion for a resolution
Paragraph 86

Draft motion for a resolution

Amendment

86. Calls for the establishment, without undue delay, of a Union Litigation Fund to cover the actual litigation costs

86. Calls on the member states, without undue delay, to cover the actual litigations costs and enable the victims of

and enable the victims of spyware to seek adequate redress *in line with the Preparatory Action adopted by Parliament in 2017, to create an ‘EU fund for financial support for litigating cases relating to violations of democracy, rule of law and fundamental rights’*;

spyware to seek adequate redress;

Or. en

Amendment 777

Róża Thun und Hohenstein

Draft motion for a resolution

Paragraph 86

Draft motion for a resolution

86. Calls for the establishment, without undue delay, of a Union Litigation Fund to cover the actual litigation costs and enable the victims of spyware to seek adequate redress in line with the Preparatory Action adopted by Parliament in 2017, to create an ‘EU fund for financial support for litigating cases relating to violations of democracy, rule of law and fundamental rights’;

Amendment

86. Calls for the establishment, without undue delay, of a Union Litigation Fund to cover the actual litigation costs and enable the victims of spyware to seek adequate redress, *including damages for illegal use of spyware against them*, in line with the Preparatory Action adopted by Parliament in 2017, to create an ‘EU fund for financial support for litigating cases relating to violations of democracy, rule of law and fundamental rights’;

Or. en

Amendment 778

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 87

Draft motion for a resolution

87. *Expresses concern over the lack of action by the Commission so far, and urges it to make full use of all its powers as guardian of the Treaties, and to conduct a comprehensive and in-depth*

deleted

Amendment

investigation into the abuse of and trade in spyware in the Union;

Or. fr

Amendment 779

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 87

Draft motion for a resolution

Amendment

87. *Expresses concern over the lack of action by the Commission so far, and urges it to make full use of all its powers as guardian of the Treaties, and to conduct a comprehensive and in-depth investigation into the abuse of and trade in spyware in the Union;* *deleted*

Or. en

Amendment 780

Christine Anderson

Draft motion for a resolution
Paragraph 87

Draft motion for a resolution

Amendment

87. *Expresses concern over the lack of action by the Commission so far, and urges it to make full use of all its powers as guardian of the Treaties, and to conduct a comprehensive and in-depth investigation into the abuse of and trade in spyware in the Union;*

87. *Notes the lack of action by the Commission so far;*

Or. de

Amendment 781

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

**Draft motion for a resolution
Paragraph 87**

Draft motion for a resolution

87. ***Expresses concern over the lack of action by the Commission so far, and urges it to make full use of all its powers as guardian of the Treaties, and to conduct a comprehensive and in-depth investigation into the abuse of and trade in spyware in the Union;***

Amendment

87. ***Calls on*** the Commission to make full use of all its powers as guardian of the Treaties, and to ***address*** the abuse of spyware in the Union;

Or. en

**Amendment 782
Christine Anderson**

**Draft motion for a resolution
Paragraph 87**

Draft motion for a resolution

87. Expresses concern over the lack of action by the Commission so far, and urges it to make full use of all its powers as guardian of the Treaties, and to conduct a comprehensive and in-depth investigation into the abuse of and trade in spyware in the Union;

Amendment

87. Expresses concern over the lack of action by the Commission so far, and urges it to make full use of all its powers as guardian of the Treaties, and to conduct a comprehensive and in-depth investigation into the abuse of and trade in spyware in the Union, ***which in turn must be examined adopted by Parliament;***

Or. de

**Amendment 783
Cornelia Ernst, Giorgos Georgiou, Anne-Sophie Pelletier, Stelios Kouloglou**

**Draft motion for a resolution
Paragraph 87**

Draft motion for a resolution

Amendment

87. Expresses concern over the lack of action by the Commission so far, and urges it to make full use of all its powers as guardian of the Treaties, and to conduct a comprehensive and in-depth investigation into the abuse of and trade in spyware in the Union;

87. Expresses *serious* concern over the lack of action by the Commission so far, and urges it to make full use of all its powers as guardian of the Treaties, and to conduct a comprehensive and in-depth investigation into the abuse of and trade in spyware in the Union;

Or. en

Amendment 784

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

Draft motion for a resolution Paragraph 89

Draft motion for a resolution

89. Notes that the PEGA Committee received a collective reply from the Council to the queries of the European Parliament to all individuals Member States only on the eve of the publication of the draft report, approximately 4 months after the letters of the EP; *expresses dismay at the lack of action of the European Council and Council of ministers, and calls for a dedicated European Council Summit, given the magnitude of the threat to democracy in Europe;*

Amendment

89. Notes that the PEGA Committee received a collective reply from the Council to the queries of the European Parliament to all individuals Member States only on the eve of the publication of the draft report, approximately 4 months after the letters of the EP;

Or. en

Amendment 785

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution Paragraph 89

Draft motion for a resolution

89. Notes that the PEGA Committee

Amendment

89. Notes that the PEGA Committee

received a collective reply from the Council to the queries of the European Parliament to all individuals Member States only on the eve of the publication of the draft report, approximately 4 months after the letters of the EP; *expresses dismay at the lack of action of the European Council and Council of ministers, and calls for a dedicated European Council Summit, given the magnitude of the threat to democracy in Europe;*

received a collective reply from the Council to the queries of the European Parliament to all individuals Member States only on the eve of the publication of the draft report, approximately 4 months after the letters of the EP;

Or. en

Amendment 786

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution Paragraph 89

Draft motion for a resolution

89. Notes that the PEGA Committee received a collective reply from the Council to the queries of the European Parliament to all individuals Member States only on the eve of the publication of the draft report, approximately 4 months after the letters of the EP; *expresses dismay at the lack of action of the European Council and Council of ministers, and* calls for a dedicated European Council Summit, given the magnitude of the threat to democracy in Europe;

Amendment

89. Notes that the PEGA Committee received a collective reply from the Council to the queries of the European Parliament to all individuals Member States only on the eve of the publication of the draft report, approximately 4 months after the letters of the EP; calls for a dedicated European Council Summit, given the magnitude of the threat to democracy in Europe;

Or. fr

Amendment 787

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

Draft motion for a resolution Paragraph 89

Draft motion for a resolution

89. Notes that the PEGA Committee received a collective reply from the Council to the queries of the European Parliament to all individuals Member States only on the *eve* of the publication of the draft report, approximately 4 months after the letters of the EP; expresses dismay at the lack of action of the European Council and Council of ministers, and calls for a dedicated European Council Summit, given the magnitude of the threat to democracy in Europe;

Amendment

89. Notes that the PEGA Committee received a collective reply from the Council to the queries of the European Parliament to all individuals Member States only on the *evening* of the publication of the draft report, approximately 4 months after the letters of the EP; expresses dismay at the lack of action of the European Council and Council of ministers, and calls for a dedicated European Council Summit, given the magnitude of the threat to democracy in Europe;

Or. en

Amendment 788

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 89 – subparagraph 1 (new)

Draft motion for a resolution

Amendment

European Parliament

Or. en

Amendment 789

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 89 a (new)

Draft motion for a resolution

Amendment

89a. Deplores the European Parliament lack of protection to its Members and staff privileges and immunities after being

spied on; recalls that any attack to Member's political rights is an attack to the independence and sovereignty of the institution;

Or. en

Amendment 790
Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution
Paragraph 90

Draft motion for a resolution

Amendment

90. Takes the position that Parliament should have full powers of inquiry, including the power to summon witnesses, to formally require witnesses to testify under oath and to provide requested information within specific deadlines; *deleted*

Or. fr

Amendment 791
Vladimír Bilčík, Elissavet Vozemberg-Vrionidi, Bartosz Arlukowicz, Karolin Braunsberger-Reinhold, Juan Ignacio Zoido Álvarez

Draft motion for a resolution
Paragraph 90

Draft motion for a resolution

Amendment

90. Takes the position that Parliament should have full powers of inquiry, including the power to summon witnesses, to formally require witnesses to testify under oath and to provide requested information within specific deadlines; *deleted*

Or. en

Amendment 792

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 90

Draft motion for a resolution

Amendment

90. Takes the position that Parliament should have full powers of inquiry, including the power to summon witnesses, to formally require witnesses to testify under oath and to provide requested information within specific deadlines; **deleted**

Or. en

Amendment 793

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

Draft motion for a resolution
Paragraph 90

Draft motion for a resolution

Amendment

90. Takes the position that Parliament should have full powers of inquiry, including the power to summon witnesses, to formally require witnesses to testify under oath and to provide requested information within specific deadlines;

90. Takes the position that Parliament should have full powers of inquiry, including the power to summon witnesses, to formally require witnesses to testify under oath and to provide requested information within specific deadlines; ***Reiterates the Parliament's position in the Proposal of the European Parliament of 23 May 2012 for a Regulation on the detailed provisions governing the exercise of the European Parliament's right of inquiry and repealing Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission (2009/2212(INI)); calls on the Council to immediately advance on this Proposal for a Regulation to allow for a proper right of inquiry for the European Parliament;***

Or. en

Amendment 794

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

Draft motion for a resolution

Paragraph 90

Draft motion for a resolution

90. Takes the position that Parliament should have full powers of inquiry, including the power to summon witnesses, to formally require witnesses to testify under oath and to provide requested information within specific deadlines;

Amendment

90. Takes the position that Parliament should have full powers of inquiry, including ***better access to classified and non-classified information***, the power to summon witnesses, to formally require witnesses to testify under oath and to provide requested information within specific deadlines;

Or. en

Amendment 795

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution

Paragraph 91

Draft motion for a resolution

91. ***Resolves to adopt a protocol for cases where members or staff of the House have become the direct or indirect target of spyware and underlines that all cases must be reported to the responsible law enforcement authorities;***

Amendment

deleted

Or. en

Amendment 796

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 91

Draft motion for a resolution

91. **Resolves** to adopt a protocol for cases where members or staff of the House have become the direct or indirect target of spyware and underlines that all cases must be reported to the responsible law enforcement authorities;

Amendment

91. ***Calls on the European Parliament*** to adopt a protocol for cases where members or staff of the House have become the direct or indirect target of spyware and underlines that all cases must be reported ***by the European Parliament*** to the responsible law enforcement authorities; ***in such cases, calls for the European Parliament to provide legal and technical assistance;***

Or. en

Amendment 797

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 91

Draft motion for a resolution

91. **Resolves to adopt** a protocol for cases where members or staff of the House have become the direct or indirect target of spyware and underlines that all cases must be reported to the responsible law enforcement authorities;

Amendment

91. ***Calls for the adoption of*** a protocol for cases where members or staff of the House have become the direct or indirect target of spyware and underlines that all cases must be reported to the responsible law enforcement authorities;

Or. fr

Amendment 798

Gilles Lebreton, Mathilde Androuët

Draft motion for a resolution

Paragraph 92

Draft motion for a resolution

92. ***resolves to take the initiative to launch an inter-institutional conference wherein Parliament, the Council and the***

Amendment

deleted

Commission must aim for governance reforms that strengthen the Union institutional capacity to respond adequately to attacks on democracy and rule of law from the inside and to ensure that the Union has effective supranational methods for enforcing the Treaties and secondary law in the case of non-compliance by Member States;

Or. fr

Amendment 799

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 92

Draft motion for a resolution

Amendment

92. resolves to take the initiative to launch an inter-institutional conference wherein Parliament, the Council and the Commission must aim for governance reforms that strengthen the Union institutional capacity to respond adequately to attacks on democracy and rule of law from the inside and to ensure that the Union has effective supranational methods for enforcing the Treaties and secondary law in the case of non-compliance by Member States;

deleted

Or. en

Amendment 800

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

Draft motion for a resolution
Paragraph 92

Draft motion for a resolution

Amendment

92. resolves to take the initiative to

92. Resolves to take the initiative to

launch an inter-institutional conference wherein Parliament, the Council and the Commission must aim for governance reforms that strengthen the Union institutional capacity to respond adequately to attacks on democracy and rule of law from the inside and to ensure that the Union has effective supranational methods for enforcing the Treaties and secondary law in the case of non-compliance by Member States;

launch an inter-institutional conference wherein Parliament, the Council and the Commission must aim for governance reforms that strengthen the Union institutional capacity to respond adequately to attacks on democracy and rule of law from the inside and to ensure that the Union has effective supranational methods for enforcing the Treaties and secondary law in the case of non-compliance by Member States;

Or. en

Amendment 801

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

**Draft motion for a resolution
Paragraph 92 a (new)**

Draft motion for a resolution

Amendment

92a. Calls for the adoption of the Commission proposal for a regulation laying down measures for a high common level of cybersecurity at the institutions, bodies, offices and agencies of the Union (2022/0085 COD) in order to reduce the risk of spyware infections of devices and systems used by EU institutions staff and politicians;

Or. en

Amendment 802

Gilles Lebreton, Mathilde Androuët

**Draft motion for a resolution
Paragraph 93**

Draft motion for a resolution

Amendment

93. Calls on the Commission to come forward with legislative proposals on the

deleted

basis of this Recommendation;

Or. fr

Amendment 803

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 93

Draft motion for a resolution

Amendment

93. Calls on the Commission to come forward with legislative proposals on the basis of this Recommendation; *deleted*

Or. en

Amendment 804

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

Draft motion for a resolution
Paragraph 93

Draft motion for a resolution

Amendment

93. Calls on the Commission to come forward with legislative proposals on the basis of this Recommendation;

93. Calls on the Commission to ***urgently*** come forward with legislative proposals on the basis of this Recommendation; ***covering all areas included in this Recommendation;***

Or. en

Amendment 805

Dominik Tarczyński, Beata Kempa
on behalf of the ECR Group

Draft motion for a resolution
Paragraph 94

Draft motion for a resolution

94. Instructs its President to forward this resolution to the *Member States, the Council, the Commission and to Europol*.

Amendment

94. Instructs its President to forward this resolution to the Council *and* the Commission.

Or. en