

EUROPEAN PARLIAMENT

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Committee on Civil Liberties, Justice and Home Affairs

6.7.2006

PE 376.449v01-00

AMENDMENTS 1-6

Draft report

(PE 376.425v01-00)

Sophia in 't Veld

Proposal for a European Parliament recommendation to the Council on an agreement with the United States of America on the use of passenger name records (PNR) data to prevent and combat terrorism and transnational crime, including organised crime

****(INI))

Proposal for a recommendation

Amendment by Sophia in 't Veld

Amendment 1

Recital B a (new)

Ba *considering that since the 9/11 atrocities, worldwide a host of single security measures has been introduced that often involve systematic collection and monitoring of personal data of all citizens, notably data on money transfers, and telecommunication and passenger data; considering that in the absence of a coherent EU security policy the position of the individual citizen vis à vis the state risks being undermined;* Or. en

Amendment by Carlos Coelho

Amendment 2

Recital E a (new)

Ea *taking into account the fact that the Court of Justice stated that the Council Decision could not validly be adopted on the basis of Article 95 of the EC Treaty, since the transfer to and the use of PNR data by CBP relates to data processing operations concerning public security and activities of the State in areas of criminal law, which fall outside the scope of Directive 95/46 and outside the first pillar;*

Or. en

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Amendment by Carlos Coelho

Amendment 3
Recital E b (new)

Eb ***taking into account the willingness of the Commission and the Council to cooperate closely with the European Parliament in order to ensure full compliance with the Court ruling;***

Or. en

Amendment by Alexander Alvaro

Amendment 4
Recital F a (new)

Fa ***observes that the Court of Justice gave no reference to a correct legal basis and urges the Council to examine carefully whether the legal basis now chosen (Articles 38 and 24 TEU) is correct or whether the PNR issue is in fact purely a matter for bilateral agreements between Member States of the European Union and the United States due to lack of competence of the European Union.***

Or. en

Amendment by Sophia in 't Veld

Amendment 5
Paragraph 1, point (j), indent 5

- the annual joint review, as provided for in Undertaking 43, should indeed take place annually, be conducted in cooperation with the national data protection authorities and be published ***completely and must assess not only the implementation of the undertakings, but also the results of the agreement in terms of eliminating terrorism and crime;***

Or. en

Amendment by Edith Mastenbroek

Amendment 6
Paragraph 4 a (new)

4a. ***Urges the European Parliament to organise in this respect a joint session with the US Congress, being the democratic representative institutions of the citizens***

concerned, to start a dialogue on the fight against terrorism and its consequences for civil liberties and human rights;

Or. en