



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Civil Liberties, Justice and Home Affairs

2011/0023(COD)

3.4.2012

AMENDMENTS

36 - 204

Draft report
Timothy Kirkhope
(PE480.855v01-00)

on the proposal for a directive of the European Parliament and of the Council
on the use of Passenger Name Record data for the prevention, detection,
investigation and prosecution of terrorist offences and serious crime

Proposal for a directive
(COM(2011)0032 – C7-0039/2011 – 2011/0023(COD))

Amendment 36
Jan Philipp Albrecht

Proposal for a directive

–

Proposal for rejection

***The European Parliament rejects the
Commission proposal.***

Or. en

Amendment 37
Alexander Alvaro

Proposal for a directive

–

Proposal for rejection

***The European Parliament rejects the
Commission proposal;***

Or. en

Amendment 38
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive

–

Proposal for rejection

***The European Parliament rejects the
Commission proposal;***

Or. en

Amendment 39
Gianni Vattimo

Proposal for a directive

—

Proposal for rejection

***The European Parliament rejects the
Commission proposal;***

Or. en

Amendment 40
Carmen Romero López, Birgit Sippel

Proposal for a directive

Title

Text proposed by the Commission

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences ***and serious crime***

Amendment

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences

Or. en

Amendment 41
Sophia in 't Veld

Proposal for a directive

Title

Text proposed by the Commission

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime

Amendment

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious ***transnational***

crime

Or. en

Justification

PNR data should only be processed only for the prevention, detection, investigation, and prosecution of terrorist offences and serious transnational crimes. PNR data shall not be used for other purposes.

Amendment 42

Birgit Sippel, Carmen Romero López

Proposal for a directive

Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 82(1)(d) and 87(2)(a) thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles **16**, 82(1)(d) and 87(2)(a) thereof,

Or. en

Amendment 43

Carmen Romero López, Birgit Sippel

Proposal for a directive

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The Opinion of the European Data Protection Supervisor (EDPS) of 25 March 2011, and particularly paragraphs 7 to 16 and 25, 55, and 57, expressed the opinion that the initial proposal for a Directive did not meet the essential prerequisite of any development of a PNR scheme- i.e. compliance with the necessity and proportionality principles, to the extent that the EDPS questions the inclusion in the proposal of serious

crimes which have no link with terrorism.

Or. en

Amendment 44
Carmen Romero López, Birgit Sippel

Proposal for a directive
Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) Opinion 10/2011 of the Article 29 Working Party adopted on 5 April 2011 stated that there was a lack of information on the effectiveness and appropriateness of existing EU systems and tools for police and judicial co-operation to fight terrorism and organised crime, and questioned the necessity of such a proposal and expressed serious doubts about the proportionality of the collection of a huge amount of personal information on passengers regardless of whether or not they are suspects.

Or. en

Amendment 45
Alexander Alvaro

Proposal for a directive
Recital 1

Text proposed by the Commission

Amendment

(1) On 6 November 2007 the Commission adopted a proposal for a Council Framework Decision on the use of Passenger Name Record (PNR) data for law enforcement purposes. However, upon entry into force of the Treaty of Lisbon on 1 December 2009, the Commission's proposal, which had not

deleted

*been adopted by the Council by that date,
became obsolete.*

Or. en

Amendment 46
Alexander Alvaro

Proposal for a directive
Recital 2

Text proposed by the Commission

Amendment

(2) The ‘Stockholm Programme An open and secure Europe serving and protecting the citizens’ calls on the Commission to present a proposal for the use of PNR data to prevent, detect, investigate and prosecute terrorism and serious crime.

deleted

Or. en

Amendment 47
Alexander Alvaro

Proposal for a directive
Recital 3

Text proposed by the Commission

Amendment

(3) In its Communication of 21 September 2010 ‘On the global approach to transfers of Passenger Name Record (PNR) data to third countries’ the Commission outlined certain core elements of a Union policy in this area.

deleted

Or. en

Amendment 48
Alexander Alvaro

Proposal for a directive
Recital 4

Text proposed by the Commission

Amendment

(4) Council Directive 2004/82/EC of 29 April 2004 on the obligation of air carriers to communicate passenger data regulates the transfer of advance passenger information by air carriers to the competent national authorities for the purpose of improving border controls and combating irregular immigration.

deleted

Or. en

Amendment 49
Sophia in 't Veld

Proposal for a directive
Recital 5

Text proposed by the Commission

Amendment

(5) PNR data are necessary to effectively prevent, detect, investigate and prosecute terrorist offences and serious crime and thus enhance internal security.

deleted

Or. en

Amendment 50
Alexander Alvaro

Proposal for a directive
Recital 5

Text proposed by the Commission

Amendment

(5) PNR data are necessary to effectively prevent, detect, investigate and prosecute terrorist offences and serious crime and thus enhance internal security.

deleted

Amendment 51
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive
Recital 5

Text proposed by the Commission

Amendment

(5) PNR data are necessary to effectively prevent, detect, investigate and prosecute terrorist offences and serious crime and thus enhance internal security.

deleted

Amendment 52
Carmen Romero López, Birgit Sippel

Proposal for a directive
Recital 5

Text proposed by the Commission

Amendment

(5) PNR data ***are*** necessary to effectively prevent, detect, investigate and prosecute terrorist offences ***and serious crime*** and thus enhance internal security.

(5) PNR data ***may be*** necessary to effectively prevent, detect, investigate and prosecute terrorist offences and thus enhance internal security.

Amendment 53
Kinga Göncz

Proposal for a directive
Recital 5

Text proposed by the Commission

Amendment

(5) PNR data ***are necessary*** to effectively ***prevent, detect, investigate*** and ***prosecute***

(5) PNR data ***can significantly contribute*** to effectively ***preventing, detecting,***

terrorist offences and serious crime and thus enhance internal security.

investigating and *prosecuting* terrorist offences and serious crime and thus enhance internal security.

Or. en

Amendment 54
Martin Ehrenhauser

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) PNR data *are necessary* to effectively prevent, detect, investigate and prosecute terrorist offences and serious crime and thus enhance internal security.

Amendment

(5) PNR data *may be a useful means* to effectively prevent, detect, investigate and prosecute terrorist offences and *certain types of* serious crime *of a transnational nature* and thus enhance internal security.

Or. en

Amendment 55
Cecilia Wikström, Olle Schmidt

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) PNR data *are necessary* to effectively prevent, detect, investigate and prosecute terrorist offences and serious crime and thus enhance internal security.

Amendment

(5) PNR data *may be useful* to effectively prevent, detect, investigate and prosecute terrorist offences and serious crime and thus enhance internal security.

Or. en

Amendment 56
Jan Philipp Albrecht

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) PNR data **are necessary** to effectively prevent, detect, investigate and prosecute terrorist offences and serious crime **and thus enhance internal security**.

Amendment

(5) PNR data **may be a useful means** to effectively prevent, detect, investigate and prosecute terrorist offences and **certain types of transnational** serious crime.

Or. en

Amendment 57
Alexander Alvaro

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) PNR data help law enforcement authorities prevent, detect, investigate and prosecute serious crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to construct evidence and, where relevant, to find associates of criminals and unravel criminal networks.

Amendment

deleted

Or. en

Amendment 58
Sophia in 't Veld

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) PNR data help law enforcement authorities prevent, detect, investigate and prosecute serious crimes, including acts of terrorism, **by comparing them with various databases of persons and objects sought, to construct evidence and, where relevant, to find associates of criminals and**

Amendment

(6) PNR data **may** help law enforcement authorities prevent, detect, investigate and prosecute serious **transnational** crimes, including acts of terrorism.

unravel criminal networks.

Or. en

Amendment 59

Martin Ehrenhauser

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) PNR data help law enforcement authorities prevent, detect, investigate and prosecute serious crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to **construct** evidence and, where relevant, to find associates of criminals and unravel criminal networks.

Amendment

(6) PNR data **can** help law enforcement authorities prevent, detect, investigate and prosecute serious **transnational** crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to **find the necessary** evidence and, where relevant, to find associates of criminals and unravel criminal networks.

Or. en

Amendment 60

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) PNR data help law enforcement authorities prevent, detect, investigate and prosecute serious crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to construct evidence and, where relevant, to find associates of criminals and unravel criminal networks.

Amendment

(6) PNR data **may in exceptional circumstances** help law enforcement authorities prevent, detect, investigate and prosecute serious **transnational** crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to construct evidence and, where relevant, to find associates of criminals and unravel criminal networks.

Or. en

Amendment 61
Carmen Romero López, Birgit Sippel

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) PNR data help law enforcement authorities prevent, detect, investigate and prosecute ***serious crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to construct evidence and, where relevant, to find associates of criminals and unravel criminal networks.***

Amendment

(6) PNR data ***may*** help law enforcement authorities prevent, detect, investigate and prosecute acts of terrorism.

Or. en

Amendment 62
Cecilia Wikström, Olle Schmidt

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) PNR data help law enforcement authorities prevent, detect, investigate and prosecute serious crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to construct evidence and, where relevant, to find associates of criminals and unravel criminal networks.

Amendment

(6) PNR data ***may*** help law enforcement authorities prevent, detect, investigate and prosecute serious crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to construct evidence and, where relevant, to find associates of criminals and unravel criminal networks.

Or. en

Amendment 63
Jan Philipp Albrecht

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) PNR data help law enforcement authorities prevent, detect, investigate and prosecute serious crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to **construct** evidence and, where relevant, to find associates of criminals and unravel criminal networks.

Amendment

(6) PNR data **may** help law enforcement authorities prevent, detect, investigate and prosecute serious **transnational** crimes, including acts of terrorism, by comparing them with various databases of persons and objects sought, to **find necessary** evidence and, where relevant, to find associates of criminals and unravel criminal networks.

Or. en

Amendment 64
Alexander Alvaro

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) PNR data enable law enforcement authorities to identify persons who were previously 'unknown', i.e. persons previously unsuspected of involvement in serious crime and terrorism, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. By using PNR data law enforcement authorities can address the threat of serious crime and terrorism from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data relating to the creation and application of assessment criteria should be further limited to serious crimes that are also transnational in nature, i.e. are

Amendment

deleted

intrinsically linked to travelling and hence the type of the data being processed.

Or. en

Amendment 65
Martin Ehrenhauser

Proposal for a directive
Recital 7

Text proposed by the Commission

Amendment

(7) PNR data enable law enforcement authorities to identify persons who were previously 'unknown', i.e. persons previously unsuspected of involvement in serious crime and terrorism, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. By using PNR data law enforcement authorities can address the threat of serious crime and terrorism from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data relating to the creation and application of assessment criteria should be further limited to serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed.

deleted

Or. en

Amendment 66
Sophia in 't Veld

Proposal for a directive
Recital 7

Text proposed by the Commission

Amendment

(7) PNR data enable law enforcement authorities to identify persons who were previously ‘unknown’, i.e. persons previously unsuspected of involvement in serious crime and terrorism, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. By using PNR data law enforcement authorities can address the threat of serious crime and terrorism from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data relating to the creation and application of assessment criteria should be further limited to serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed. *deleted*

Or. en

Justification

Profiling, or the creation and application of assessment criteria, must not be allowed in absence of a legal definition of profiling at EU level.

Amendment 67
Jan Philipp Albrecht

Proposal for a directive
Recital 7

Text proposed by the Commission

Amendment

(7) PNR data enable law enforcement *deleted*

authorities to identify persons who were previously 'unknown', i.e. persons previously unsuspected of involvement in serious crime and terrorism, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. By using PNR data law enforcement authorities can address the threat of serious crime and terrorism from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data relating to the creation and application of assessment criteria should be further limited to serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed.

Or. en

Amendment 68

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) PNR data enable law enforcement authorities to identify persons who were previously 'unknown', i.e. persons previously unsuspected of involvement in serious crime and terrorism, but whom an analysis of the data suggests may be involved in such crime **and who** should therefore be subject to further examination by the competent authorities. By using PNR data law enforcement authorities can address the threat of serious crime and terrorism from a different perspective than

Amendment

(7) PNR data **may** enable law enforcement authorities to identify persons who were previously 'unknown', i.e. persons previously unsuspected of involvement in serious **transnational** crime and terrorism, but whom an analysis of the data suggests may be involved in such crime. **Since that suggestion does not amount to suspicion, those persons** should therefore be subject to further examination by the competent authorities **only in cases related to specific acts of serious crime or terrorism**. By

through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the *aspects of the use of PNR data relating to the creation and application of assessment criteria* should be further limited to serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed.

using PNR data law enforcement authorities can address the threat of serious *transnational* crime and terrorism from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the use of PNR should be further limited to serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed.

Or. en

Amendment 69
Carmen Romero López, Birgit Sippel

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) PNR data enable law enforcement authorities to identify persons who were previously ‘unknown’, i.e. persons previously unsuspected of involvement in *serious crime and* terrorism, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. By using PNR data law enforcement authorities can address the threat of *serious crime and* terrorism from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data relating to the creation and application of assessment criteria should be further limited to serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence

Amendment

(7) PNR data enable law enforcement authorities to identify persons who were previously ‘unknown’, i.e. persons previously unsuspected of involvement in terrorism, but whom an analysis of the data suggests may be involved in such crime and who should therefore be subject to further examination by the competent authorities. By using PNR data law enforcement authorities can address the threat of terrorism from a different perspective than through the processing of other categories of personal data. However, in order to ensure that the processing of data of innocent and unsuspected persons remains as limited as possible, the aspects of the use of PNR data relating to the creation and application of assessment criteria should be further limited to serious crimes that are also transnational in nature, i.e. are intrinsically linked to travelling and hence the type of the data being processed

the type of the data being processed.

i.e. terrorism.

Or. en

Amendment 70
Alexander Alvaro

Proposal for a directive
Recital 8

Text proposed by the Commission

Amendment

(8) The processing of personal data must be proportionate to the specific security goal pursued by this Directive.

deleted

Or. en

Amendment 71
Sophia in 't Veld

Proposal for a directive
Recital 8

Text proposed by the Commission

Amendment

(8) The processing of personal data must be proportionate to the specific **security goal** pursued by this Directive.

(8) The processing of personal data must be **necessary and** proportionate to the specific **aim** pursued by this Directive.

Or. en

Amendment 72
Alexander Alvaro

Proposal for a directive
Recital 9

Text proposed by the Commission

Amendment

(9) The use of PNR data together with Advance Passenger Information data in

deleted

certain cases has added value in assisting Member States in verifying the identity of an individual and thus reinforcing their law enforcement value.

Or. en

Amendment 73
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive
Recital 9

Text proposed by the Commission

Amendment

(9) The use of PNR data together with Advance Passenger Information data in certain cases has added value in assisting Member States in verifying the identity of an individual and thus reinforcing their law enforcement value.

deleted

Or. en

Amendment 74
Alexander Alvaro

Proposal for a directive
Recital 10

Text proposed by the Commission

Amendment

(10) To prevent, detect, investigate and prosecute terrorist offences and serious crime, it is therefore essential that all Member States introduce provisions laying down obligations on air carriers operating international flights to or from the territory of the Member States of the European Union.

deleted

Or. en

Amendment 75
Jan Philipp Albrecht

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) To prevent, detect, investigate and prosecute terrorist offences and serious crime, it is therefore essential that all Member States introduce provisions laying down obligations on air carriers operating international flights to or from the territory of the Member States of the European Union.

Amendment

deleted

Or. en

Amendment 76
Martin Ehrenhauser

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) To prevent, detect, investigate and prosecute terrorist offences and serious crime, ***it is therefore essential that*** all Member States introduce provisions laying down obligations on air carriers operating international flights to or from the territory of the Member States of the European Union.

Amendment

(10) To prevent, detect, investigate and prosecute terrorist offences and serious ***transnational*** crime, all Member States ***may*** introduce provisions laying down obligations on air carriers operating international flights to or from the territory of the Member States of the European Union.

Or. en

Amendment 77
Carmen Romero López, Birgit Sippel

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) To prevent, detect, investigate and prosecute terrorist offences **and serious crime**, it is therefore essential that all Member States introduce provisions laying down obligations on air carriers operating international flights to or from the territory of the Member States of the European Union.

Amendment

(10) To prevent, detect, investigate and prosecute terrorist offences, it is therefore essential that all Member States introduce provisions laying down obligations on air carriers operating international flights to or from the territory of the Member States of the European Union.

Or. en

Amendment 78

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) To prevent, detect, investigate and prosecute terrorist offences and serious crime, it is therefore essential that all Member States introduce provisions laying down obligations on air carriers operating international flights to or from the territory of the Member States of the European Union.

Amendment

(10) To prevent, detect, investigate and prosecute terrorist offences and serious **transnational** crime, it is therefore essential that all Member States introduce provisions laying down obligations on air carriers operating international flights to or from the territory of the Member States of the European Union.

Or. en

Amendment 79

Manfred Weber

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) To prevent, detect, investigate and prosecute terrorist offences and serious crime, it **is therefore essential that** all

Amendment

(10) To prevent, detect, investigate and prosecute terrorist offences and serious crime, it **would be helpful if** all Member

Member States **introduce** provisions laying down obligations on air carriers operating international flights to or from the territory of the Member States of the European Union.

States **introduced** provisions laying down obligations on air carriers operating international flights to or from the territory of the Member States of the European Union. **However, Member States remain free to decide whether they wish to use PNR data for these purposes. The provisions of this directive apply only to those Member States which use PNR data.**

Or. de

Amendment 80
Véronique Mathieu

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) To prevent, detect, investigate and prosecute terrorist offences and serious crime, it is therefore essential that all Member States introduce provisions laying down obligations on air carriers operating **international** flights to or from the territory of the Member States of the European Union.

Amendment

(10) To prevent, detect, investigate and prosecute terrorist offences and serious crime, it is therefore essential that all Member States introduce provisions laying down obligations on air carriers operating flights **inside and outside the Union**, to or from the territory of the Member States of the European Union.

Or. fr

Justification

This amendment takes account of the consequences of the inclusion of all flights within the Union in the scope of the directive. The formulation 'flights inside and outside the Union' is preferable to 'international/internal flights', which is derived from the Schengen Borders Code and is not appropriate in a directive which is to apply to the whole territory of the European Union.

Amendment 81
Sophia in 't Veld

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) To prevent, detect, investigate and prosecute terrorist offences and serious crime, it is therefore essential that all Member States introduce provisions laying down obligations on air carriers operating international flights to or from the territory of the Member States of the European Union.

Amendment

(10) To prevent, detect, investigate and prosecute terrorist offences and serious **transnational** crime, it is therefore essential that all Member States introduce provisions laying down obligations on air carriers operating **targeted** international flights to or from the territory of the Member States of the European Union.

Or. en

Amendment 82
Alexander Alvaro

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) Air carriers already collect and process PNR data from their passengers for their own commercial purposes. This Directive should not impose any obligation on air carriers to collect or retain any additional data from passengers or to impose any obligation on passengers to provide any data in addition to that already being provided to air carriers.

Amendment

deleted

Or. en

Amendment 83
Martin Ehrenhauser

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) Air carriers already collect and

Amendment

(11) Air carriers already collect and

process PNR data from their passengers for their own commercial purposes. This Directive should not impose any obligation on air carriers to collect or retain any additional data from passengers or to impose any obligation on passengers to provide any data in addition to that already being provided to air carriers.

process PNR data from their passengers for their own commercial purposes. This Directive should not impose any obligation on air carriers to collect or retain any additional data from passengers or to impose any obligation on passengers to provide any data in addition to that already being provided to air carriers. ***Where air carriers do not routinely capture data in the normal course of business for commercial purposes, they should not be required to develop processes to collect such data.***

Or. en

Amendment 84
Martin Ehrenhauser

Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Member States should bear the costs of processing and forwarding PNR data.

Or. en

Amendment 85
Alexander Alvaro

Proposal for a directive
Recital 12

Text proposed by the Commission

Amendment

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism. The definition of serious crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA of 13

deleted

June 2002 on the European Arrest Warrant and the surrender procedure between Member States. However, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality. The definition of serious transnational crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA and the United Nations Convention on Transnational Organised Crime.

Or. en

Amendment 86
Sophia in 't Veld

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism. The definition of *serous* crime should be taken from *Article 2* of Council Framework Decision 2002/584/JHA of **13 June 2002 on the European Arrest Warrant and the surrender procedure between Member States. However, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality. The definition of serious transnational crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA and the United Nations Convention on**

Amendment

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism. The definition of *serious transnational* crime should be taken from *Article 2(2)* of Council Framework Decision 2002/584/JHA **only if it is punishable by a custodial sentence or a detention order for a maximum period of at least three years under the national law of a Member State and if it is committed in more than one Member State, and** from the United Nations Convention on Transnational Organised Crime.

Transnational Organised Crime.

Or. en

Justification

PNR data should only be processed only for the prevention, detection, investigation, and prosecution of terrorist offences and serious transnational crimes. PNR data shall not be used for other purposes.

Amendment 87

Birgit Sippel, Carmen Romero López

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism. The definition of serious crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedure between Member States. However, Member States **may** exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality. The definition of serious transnational crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA and the United Nations Convention on Transnational Organised Crime.

Amendment

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism. The definition of serious crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedure between Member States. However, Member States **should** exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality. The definition of serious transnational crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA and the United Nations Convention on Transnational Organised Crime.

Or. en

Amendment 88

Axel Voss

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism. The definition of serious crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedure between Member States. However, **Member States** may exclude those minor offences for which, **taking into account their respective criminal justice system**, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality. The definition of serious transnational crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA and the United Nations Convention on Transnational Organised Crime.

Amendment

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism. The definition of serious crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedure between Member States. However, **the Passenger Information Unit** may exclude those minor offences for which the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality. The definition of serious transnational crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA and the United Nations Convention on Transnational Organised Crime.

Or. de

Amendment 89
Martin Ehrenhauser

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) The definition of terrorist offences should be taken from **Articles 1 to 4** of Council Framework Decision 2002/475/JHA on combating terrorism. The definition of **serious** crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA **of 13 June 2002 on the European Arrest**

Amendment

(12) The definition of terrorist offences should be taken from **Article 1** of Council Framework Decision 2002/475/JHA on combating terrorism. The definition of **serious transnational** crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA and the **United Nations Convention against**

Warrant and the surrender procedure between Member States. However, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality. The definition of serious transnational crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA and the United Nations Convention on Transnational Organised Crime.

Transnational Organized Crime. Member States ***should*** exclude those offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality.

Or. en

Amendment 90
Carmen Romero López, Birgit Sippel

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism. ***The definition of serious crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedure between Member States. However, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality. The definition of serious transnational crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA and the United Nations Convention on Transnational Organised Crime.***

Amendment

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism.

Amendment 91
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism. The definition of *serous* crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedure between Member States. However, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality. ***The definition of serious transnational crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA and the United Nations Convention on Transnational Organised Crime.***

Amendment

(12) The definition of terrorist offences should be taken from Articles 1 to 4 of Council Framework Decision 2002/475/JHA on combating terrorism. The definition of ***serious transnational*** crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedure between Member States ***and the United Nations Convention on Transnational Organized Crime.*** However, Member States may exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality.

Amendment 92
Jan Philipp Albrecht

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) The definition of terrorist offences should be taken from ***Articles 1 to 4*** of

Amendment

(12) The definition of terrorist offences should be taken from ***Article 1*** of Council

Council Framework Decision 2002/475/JHA on combating terrorism. The definition of serious crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the *surrender procedure between Member States*. However, Member States *may* exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality. *The definition of serious transnational crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA and the United Nations Convention on Transnational Organised Crime.*

Framework Decision 2002/475/JHA on combating terrorism. The definition of serious *transnational* crime should be taken from Article 2 of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the *United Nations Convention against Transnational Organized Crime*. However, Member States *should* exclude those minor offences for which, taking into account their respective criminal justice system, the processing of PNR data pursuant to this directive would not be in line with the principle of proportionality.

Or. en

Amendment 93
Alexander Alvaro

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) PNR data should be transferred to a single designated unit (Passenger Information Unit) in the relevant Member State, so as to ensure clarity and reduce costs to air carriers.

Amendment

deleted

Or. en

Amendment 94
Axel Voss

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) PNR data should be transferred to a single designated **unit** (Passenger Information Unit) **in the relevant Member State**, so as to ensure clarity and reduce costs to air carriers.

Amendment

(13) PNR data should be transferred to a single designated **agency of the European Union** (Passenger Information Unit), so as to ensure clarity and reduce costs to air carriers.

Or. de

Justification

It is undesirable to establish a decentralised system. Both the costs of setting it up and the ongoing staff and infrastructure costs entailed by up to 27 national Passenger Information Units would be disproportionately high in comparison with those of a centralised system. If a decentralised system were to be operated, responsibility for establishing it would rest with the individual Member States. For many Member States this task would be too onerous, both organisationally and financially, at a time of economic difficulty.

Amendment 95
Tanja Fajon

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) PNR data should be transferred to a single designated unit (Passenger Information Unit) in the relevant Member State, so as to ensure clarity and reduce costs to air carriers.

Amendment

(13) PNR data should be transferred to a single designated unit (Passenger Information Unit) in the relevant Member State, so as to ensure clarity and reduce costs to air carriers. ***The general budget of the European Union should financially support, when necessary, the Member States or the passenger airlines to cover the cost of establishing, running and maintaining their own PNR systems, and transferring PNR data.***

Or. en

Amendment 96
Ioan Enciu

**Proposal for a directive
Recital 13 a (new)**

Text proposed by the Commission

Amendment

(13a) Member States should ensure that the highest security standards are met regarding any transfers of PNR data or PNR data processing results and the storage thereof by the Passenger Information Unit.

Or. ro

**Amendment 97
Hubert Pirker, Frank Engel**

**Proposal for a directive
Recital 13 a (new)**

Text proposed by the Commission

Amendment

(13a) The Commission should ensure that all institutions and agencies of the Union, for example agencies whose workload in the Member States is increased by the provisions of this directive or by the implementing provisions derived from it receive sufficient additional financial and staff resources.

Or. de

**Amendment 98
Alexander Alvaro**

**Proposal for a directive
Recital 14**

Text proposed by the Commission

Amendment

(14) The contents of any lists of required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious crime, thereby improving internal security within the Union as well as protecting the fundamental rights of citizens, notably privacy and the protection of personal data. Such lists should not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

deleted

Or. en

**Amendment 99
Sophia in 't Veld**

**Proposal for a directive
Recital 14**

Text proposed by the Commission

Amendment

(14) The contents of any lists of required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious crime, thereby improving internal security within the Union as well as protecting the fundamental rights of citizens, notably

(14) The contents of any lists of required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious ***transnational*** crime, thereby improving internal security within the Union as well as protecting the fundamental rights of citizens, notably

privacy and the protection of personal data. *Such lists should not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.*

privacy and the protection of personal data *in line with Directive of the European Parliament and of the Council of [...] on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, and by ensuring compliance with the high level of protection offered in the Charter of Fundamental Rights of the European Union, Council of Europe Convention 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data, and the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such lists should not contain any sensitive data.*

Or. en

Amendment 100

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) The contents of any lists of required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious crime, thereby improving internal security within the Union as well as protecting the fundamental rights of citizens, notably privacy and the protection of personal data. Such lists should not contain any personal data that could reveal racial or *ethnic* origin, political opinions, religious or philosophical beliefs, trade union

Amendment

(14) The contents of any lists of required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious *transnational* crime, thereby improving internal security within the Union as well as protecting the fundamental rights of citizens, notably privacy and the protection of personal data. Such lists should not contain any personal data, *and in particular any data* that could reveal *sex*, racial, *ethnic* or *social* origin, *genetic features, language*, political

membership or data concerning health or sexual life of the individual concerned. ***The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.***

opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual concerned.

Or. en

Amendment 101
Axel Voss

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) The contents of any ***lists of*** required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious crime, thereby improving internal security within the Union as well as protecting the fundamental rights of citizens, notably privacy and the protection of personal data. Such ***lists*** should not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

Amendment

(14) The contents of any required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious crime, thereby improving internal security within the Union as well as protecting the fundamental rights of citizens, notably privacy and the protection of personal data. Such ***data sets*** should not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

Or. de

Amendment 102
Kinga Göncz

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) The contents of any lists of required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious crime, thereby improving internal security within the Union as well as protecting the fundamental rights of citizens, notably privacy and the protection of personal data. Such lists should not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual *life* of the individual concerned. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

Amendment

(14) The contents of any lists of required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious crime, thereby improving internal security within the Union as well as protecting the fundamental rights of citizens, notably privacy and the protection of personal data. Such lists should not contain any *sensitive* personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health, *disability* or sexual *orientation* of the individual concerned. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

Or. en

Amendment 103
Martin Ehrenhauser

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) The contents of *any lists of required* PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate

Amendment

(14) The contents of PNR data to be obtained by the Passenger Information Unit *listed in the Annex to this Directive* should be drawn up with the objective of

requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious crime, thereby improving internal security within the Union as well as protecting the fundamental rights of *citizens*, notably privacy and the protection of personal data. Such *lists should* not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious *transnational* crime, thereby improving internal security within the Union as well as protecting the fundamental rights of *persons*, notably privacy and the protection of personal data. Such *data shall* not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

Or. en

Amendment 104

Carmen Romero López, Birgit Sippel

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) The contents of any lists of required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences *or serious crime*, thereby improving internal security within the Union as well as protecting the fundamental rights of citizens, notably privacy and the protection of personal data. Such lists should not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or

Amendment

(14) The contents of any lists of required PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences, thereby improving internal security within the Union as well as protecting the fundamental rights of citizens, notably privacy and the protection of personal data. Such lists should not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual

sexual life of the individual concerned. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

concerned. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

Or. en

Amendment 105
Jan Philipp Albrecht

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) The contents of **any lists of required** PNR data to be obtained by the Passenger Information Unit should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious crime, thereby improving internal security within the Union as well as protecting the fundamental rights of **citizens**, notably privacy and the protection of personal data. Such **lists** should not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

Amendment

(14) The contents of PNR data to be obtained by the Passenger Information Unit **listed in the Annex to this Directive** should be drawn up with the objective of reflecting the legitimate requirements of public authorities to prevent, detect, investigate and prosecute terrorist offences or serious **transnational** crime, thereby improving internal security within the Union as well as protecting the fundamental rights of **persons**, notably privacy and the protection of personal data. Such **data** should not contain any personal data that could reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership or data concerning health or sexual life of the individual concerned. The PNR data should contain details on the passenger's reservation and travel itinerary which enable competent authorities to identify air passengers representing a threat to internal security.

Or. en

Amendment 106
Alexander Alvaro

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) There are two possible methods of data transfer currently available: the ‘pull’ method, under which the competent authorities of the Member State requiring the data can reach into (access) the air carrier's reservation system and extract (‘pull’) a copy of the required data, and the ‘push’ method, under which air carriers transfer (‘push’) the required PNR data to the authority requesting them, thus allowing air carriers to retain control of what data is provided. The ‘push’ method is considered to offer a higher degree of data protection and should be mandatory for all air carriers.

Amendment

deleted

Or. en

Amendment 107
Sophia in 't Veld

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) There are two possible methods of data transfer currently available: the ‘pull’ method, under which the competent authorities of the Member State requiring the data can reach into (access) the air carrier's reservation system and extract (‘pull’) a copy of the required data, and the ‘push’ method, under which air carriers transfer (‘push’) the required PNR data to the authority requesting them, thus allowing air carriers to retain control of what data is provided. The ‘push’ method

Amendment

(15) There are two possible methods of data transfer currently available: the ‘pull’ method, under which the competent authorities of the Member State requiring the data can reach into (access) the air carrier's reservation system and extract (‘pull’) a copy of the required data, and the ‘push’ method, under which air carriers transfer (‘push’) the required PNR data to the authority requesting them, thus allowing air carriers to retain control of what data is provided. The ‘push’ method

is considered to offer a higher degree of data protection and should be mandatory for all air carriers.

offers a higher degree of data protection and should be mandatory for all air carriers.

Or. en

Amendment 108

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) There are two possible methods of data transfer currently available: the ‘pull’ method, under which the competent authorities of the Member State requiring the data can reach into (access) the air carrier's reservation system and extract (‘pull’) a copy of the required data, and the ‘push’ method, under which air carriers transfer (‘push’) the required PNR data to the authority requesting them, thus allowing air carriers to retain control of what data is provided. The ‘push’ method is considered to offer a higher degree of data protection and should be mandatory for all air carriers.

Amendment

(15) There are two possible methods of data transfer currently available: the ‘pull’ method, under which the competent authorities of the Member State requiring the data can reach into (access) the air carrier's reservation system and extract (‘pull’) a copy of the required data, and the ‘push’ method, under which air carriers transfer (‘push’) the required PNR data to the authority requesting them, thus allowing air carriers to retain control of what data is provided. The ‘push’ method is considered to offer a higher degree of data protection and should be mandatory for all air carriers. ***The ‘pull’ method should be prohibited under this Directive.***

Or. en

Amendment 109

Martin Ehrenhauser

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) There are two possible methods of data transfer currently available: the ‘pull’ method, under which the competent

Amendment

(15) There are two possible methods of data transfer currently available: the ‘pull’ method, under which the competent

authorities of the Member State requiring the data can reach into (access) the air carrier's reservation system and extract ('pull') a copy of the required data, and the 'push' method, under which air carriers transfer ('push') the **required** PNR data to the authority requesting them, thus allowing air carriers to retain control of what data is provided. The 'push' method **is considered to offer** a higher degree of data protection and should **be** mandatory for all air carriers.

authorities of the Member State requiring the data can reach into (access) the air carrier's reservation system and extract ('pull') a copy of the required data, and the 'push' method, under which air carriers transfer ('push') the PNR data to the authority requesting them, thus allowing air carriers to retain control of what data is provided. The 'push' method **offers** a higher degree of data protection and should **become** mandatory, **no later than two years after the entry into force of this Directive**, for all air carriers **which already collect and process PNR data for commercial purposes and operate international flights to or from the territory of the Member States. Should PNR data be handled by Computerised Reservation Service (CRS) operators, Regulation (EC) No 80/2009 of the European Parliament and of the Council of 14 January 2009 on a Code of Conduct for computerised reservation systems¹ applies.**

¹OJ L 35, 4.2.2009, p. 47.

Or. en

Amendment 110
Jan Philipp Albrecht

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) There are two possible methods of data transfer currently available: the 'pull' method, under which the competent authorities of the Member State requiring the data can reach into (access) the air carrier's reservation system and extract ('pull') a copy of the required data, and the 'push' method, under which air carriers

Amendment

(15) There are two possible methods of data transfer currently available: the 'pull' method, under which the competent authorities of the Member State requiring the data can reach into (access) the air carrier's reservation system and extract ('pull') a copy of the required data, and the 'push' method, under which air carriers

transfer ('push') the required PNR data to the authority requesting them, thus allowing air carriers to retain control of what data is provided. The 'push' method is considered to offer a higher degree of data protection and should be mandatory for all air carriers.

transfer ('push') the required PNR data to the authority requesting them, thus allowing air carriers to retain control of what data is provided. The 'push' method is considered to offer a higher degree of data protection and should be mandatory, ***no later than two years after the entry into force of this Directive, for all air carriers which already collect and process PNR data for commercial purposes and operate international flights to or from the territory of the Member States. Should PNR data be handled by Computerised Reservation Service (CRS) operators, Regulation (EC) No 80/2009 of the European Parliament and of the Council of 14 January 2009 on a Code of Conduct for computerised reservation systems¹ applies.***

¹OJ L 35, 4.2.2009, p. 47.

Or. en

Amendment 111
Alexander Alvaro

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) The Commission supports the International Civil Aviation Organisation (ICAO) guidelines on PNR. These guidelines should thus be the basis for adopting the supported data formats for transfers of PNR data by air carriers to Member States. This justifies that such supported data formats, as well as the relevant protocols applicable to the transfer of data from air carriers should be adopted in accordance with the advisory procedure foreseen in Regulation (EU) No..... of the European

Amendment

deleted

Amendment 112
Kinga Göncz

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) The Commission supports the International Civil Aviation Organisation (ICAO) guidelines on PNR. These guidelines should thus be the basis for adopting the supported data formats for transfers of PNR data by air carriers to Member States. This justifies that such supported data formats, as well as the relevant protocols applicable to the transfer of data from air carriers should be adopted in accordance with the advisory procedure foreseen in Regulation (EU) No ... of the European Parliament and the Council [...]

Amendment

(16) The Commission supports the International Civil Aviation Organisation (ICAO) guidelines on PNR. These guidelines should thus be the basis for adopting the supported data formats for transfers of PNR data by air carriers to Member States. This justifies that such supported data formats, as well as the relevant protocols applicable to the transfer of data from air carriers should be adopted in accordance with the advisory procedure foreseen in Regulation (EU) No ... of the European Parliament and the Council [...]
ensuring also the involvement of the European Parliament.

Amendment 113
Alexander Alvaro

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) The Member States should take all necessary measures to enable air carriers to fulfil their obligations under this Directive. Dissuasive, effective and proportionate penalties, including financial ones, should be provided for by

Amendment

deleted

Member States against those air carriers failing to meet their obligations regarding the transfer of PNR data. Where there are repeated serious infringements which might undermine the basic objectives of this Directive, these penalties may include, in exceptional cases, measures such as the immobilisation, seizure and confiscation of the means of transport, or the temporary suspension or withdrawal of the operating licence.

Or. en

Amendment 114
Manfred Weber

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) The Member States should take all necessary measures to enable air carriers to fulfil their obligations under this Directive. Dissuasive, effective and proportionate penalties, including financial ones, should be provided for by Member States against those air carriers failing to meet their obligations regarding the transfer of PNR data. Where there are repeated serious infringements which might undermine the basic objectives of this Directive, these penalties may include, in exceptional cases, measures such as the immobilisation, seizure and confiscation of the means of transport, or the temporary suspension or withdrawal of the operating licence.

Amendment

(17) The Member States ***which use PNR data*** should take all necessary measures to enable air carriers to fulfil their obligations under this Directive. Dissuasive, effective and proportionate penalties, including financial ones, should be provided for by Member States against those air carriers failing to meet their obligations regarding the transfer of PNR data. Where there are repeated serious infringements which might undermine the basic objectives of this Directive, these penalties may include, in exceptional cases, measures such as the immobilisation, seizure and confiscation of the means of transport, or the temporary suspension or withdrawal of the operating licence.

Or. de

Amendment 115
Sophia in 't Veld

Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) The Member States should take all necessary measures to enable Passenger Information Units to fulfil their obligations under this Directive. Dissuasive, effective and proportionate penalties, including criminal ones, should be provided for by Member States against those Passenger Information Units failing to meet their obligations regarding the processing of PNR data.

Or. en

Amendment 116
Alexander Alvaro

Proposal for a directive
Recital 18

Text proposed by the Commission

Amendment

(18) Each Member State should be responsible for assessing the potential threats related to terrorist offences and serious crime.

deleted

Or. en

Amendment 117
Sophia in 't Veld

Proposal for a directive
Recital 18

Text proposed by the Commission

Amendment

(18) Each Member State should be responsible for assessing the potential

(18) Each Member State should be responsible for assessing the potential

threats related to terrorist offences and serious crime.

threats related to terrorist offences and serious *transnational* crime.

Or. en

Amendment 118
Carmen Romero López, Birgit Sippel

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Each Member State should be responsible for assessing the potential threats related to terrorist offences *and serious crime*.

Amendment

(18) Each Member State should be responsible for assessing the potential threats related to terrorist offences.

Or. en

Amendment 119
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Each Member State should be responsible for assessing the potential threats related to terrorist offences and serious crime.

Amendment

(18) Each Member State should be responsible for assessing the potential threats related to terrorist offences and serious *transnational* crime.

Or. en

Amendment 120
Alexander Alvaro

Proposal for a directive
Recital 19

Text proposed by the Commission

Amendment

(19) Taking fully into consideration the right to the protection of personal data and the right to non-discrimination, no decision that produces an adverse legal effect on a person or seriously affects him/her should be taken only by reason of the automated processing of PNR data. Moreover, no such decision should be taken by reason of a person's race or ethnic origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life.

deleted

Or. en

Amendment 121
Sophia in 't Veld

Proposal for a directive
Recital 19

Text proposed by the Commission

Amendment

(19) Taking fully into consideration the right to the protection of personal data and the right to non-discrimination, no decision that produces an adverse legal effect on a person or seriously affects him/her should be taken only by reason of the automated processing of PNR data. Moreover, no such decision should be taken ***by reason*** of a person's race or ***ethnic*** origin, religious or philosophical belief, political opinion, trade union membership, health or sexual ***life***.

(19) Taking fully into consideration the right to the protection of personal data and the right to non-discrimination, no decision that produces an adverse legal effect on a person or seriously affects him/her should be taken only by reason of the automated processing of PNR data. Moreover, no such decision should be taken ***on grounds*** of a person's ***sex***, race, ***colour***, ***ethnic***, or ***social*** origin, ***genetic features***, ***language***, religious or philosophical belief, political opinion, trade union membership, ***membership of a national minority***, health or sexual ***orientation***, ***as laid down in Article 21 of the Charter of Fundamental Rights of the European Union.***

Or. en

Amendment 122
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) Taking fully into consideration the right to the protection of personal data and the right to non-discrimination, no decision that produces an adverse legal effect on a person or seriously affects him/her should be taken **only by reason of the** automated processing of PNR data. Moreover, no such decision should be taken by reason of a person's race or **ethnic** origin, religious or philosophical belief, political opinion, trade union membership, health or sexual life.

Amendment

(19) Taking fully into consideration the right to the protection of personal data and the right to non-discrimination, no decision that produces an adverse legal effect on a person or seriously affects him/her should be taken **on the basis of** automated processing of PNR data, **processing against predetermined criteria or any other form of profiling**. Moreover, no such decision should be taken by reason of a person's **sex**, race, **ethnic** or **social** origin, **genetic features, language**, religious or philosophical belief, political opinion, trade union membership, health or sexual life.

Or. en

Amendment 123
Alexander Alvaro

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime. The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European

Amendment

deleted

Police Office (Europol) and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union. Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

Or. en

Amendment 124
Sophia in 't Veld

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime. The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union. Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

Amendment

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious ***transnational*** crime. The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union. Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation ***of the Directive of the European Parliament and of the Council of [...] on the protection of individuals with regard to the processing of personal***

data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, and ensuring compliance with the high level of protection offered in the Charter of Fundamental Rights of the European Union, Council of Europe Convention 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data, and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Or. en

Amendment 125
Axel Voss

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) *Member States* should share with *other* Member States the PNR data that *they receive* where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime. The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union. Such exchange of PNR data between law enforcement and judicial authorities should

Amendment

(20) *The Passenger Information Unit* should share with Member States the PNR data that *it receives* where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime. *Member States should be empowered to exchange PNR data among themselves subject to the same preconditions.* The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the

be governed by the rules on police and judicial cooperation.

European Union. Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

Or. de

Amendment 126
Martin Ehrenhauser

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime. ***The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union.*** Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

Amendment

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious ***transnational*** crime ***as defined in*** this Directive. Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

Or. en

Amendment 127
Carmen Romero López, Birgit Sippel

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences *or serious crime*. The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union. Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

Amendment

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences. The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union. Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

Or. en

Amendment 128
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime. The provisions of this Directive should be without prejudice to other Union instruments on the

Amendment

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious *transnational* crime. The provisions of this Directive should be without prejudice to other Union

exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union. Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union. Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and judicial cooperation.

Or. en

Amendment 129
Jan Philipp Albrecht

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious crime. The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union. Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and

Amendment

(20) Member States should share with other Member States the PNR data that they receive where such transfer is necessary for the prevention, detection, investigation or prosecution of terrorist offences or serious *transnational* crime. The provisions of this Directive should be without prejudice to other Union instruments on the exchange of information between police and judicial authorities, including Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) and Council Framework Decision 2006/960/JHA of 18 September 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union. Such exchange of PNR data between law enforcement and judicial authorities should be governed by the rules on police and

judicial cooperation.

judicial cooperation.

Or. en

Amendment 130
Alexander Alvaro

Proposal for a directive
Recital 21

Text proposed by the Commission

Amendment

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious crime. Because of the nature of the data and their uses, it is necessary that the PNR data are retained for a sufficiently long period for carrying out analysis and for use in investigations. In order to avoid disproportionate use, it is necessary that, after an initial period, the data are anonymised and only accessible under very strict and limited conditions.

deleted

Or. en

Amendment 131
Sophia in 't Veld

Proposal for a directive
Recital 21

Text proposed by the Commission

Amendment

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious crime. Because of the nature of the data and their uses, it is necessary that the PNR data are retained

(21) The period during which PNR data are to be retained should be **necessary and** proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious **transnational** crime. In order to avoid disproportionate use, it is necessary

for a sufficiently long period for carrying out analysis and for use in investigations. In order to avoid disproportionate use, it is necessary that, after an initial period, the data are **anonymised** and only accessible under very strict and limited conditions.

that, after an initial period, the data are **depersonalised** and only accessible under very strict and limited conditions.

Or. en

Amendment 132
Jan Philipp Albrecht

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious crime. Because of the nature of the data and their uses, it is necessary that the PNR data are retained for a sufficiently long period for carrying out analysis and for use in investigations. ***In order to avoid disproportionate use, it is necessary that, after an initial period, the data are anonymised and only accessible under very strict and limited conditions.***

Amendment

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious crime. Because of the nature of the data and their uses, it is necessary that the PNR data are retained for a sufficiently long period for carrying out analysis and for use in investigations.

Or. en

Amendment 133
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) The period during which PNR data are to be retained should be proportionate to

Amendment

(21) The period during which PNR data are to be retained should be proportionate to

the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious crime. ***Because of the nature of the data and their uses, it is necessary that the PNR data are retained for a sufficiently long period for carrying out analysis and for use in investigations.*** In order to avoid disproportionate use, it is necessary that, after an initial period, the data are anonymised and only accessible under very strict and limited conditions.

the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious ***transnational*** crime. In order to avoid disproportionate use, it is necessary that, after an initial period, the data are ***permanently*** anonymised and only accessible under very strict and limited conditions.

Or. en

Amendment 134
Martin Ehrenhauser

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious crime. Because of the nature of the data and their uses, it is necessary that the PNR data are retained for a sufficiently long period for carrying out analysis and for use in investigations. In order to avoid disproportionate use, it is necessary that, after an initial period, the data are anonymised ***and only accessible under very strict and limited conditions.***

Amendment

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious ***transnational*** crime. Because of the nature of the data and their uses, it is necessary that the PNR data are retained for a sufficiently long period for carrying out analysis and for use in investigations. In order to avoid disproportionate use, it is necessary that, after an initial period, the data are ***fully*** anonymised.

Or. en

Amendment 135
Carmen Romero López, Birgit Sippel

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences ***and serious crime***. Because of the nature of the data and their uses, it is necessary that the PNR data are retained for a sufficiently long period for carrying out analysis and for use in investigations. In order to avoid disproportionate use, it is necessary that, after an initial period, the data are anonymised and only accessible under very strict and limited conditions.

Amendment

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences. Because of the nature of the data and their uses, it is necessary that the PNR data are retained for a sufficiently long period for carrying out analysis and for use in investigations. In order to avoid disproportionate use, it is necessary that, after an initial period, the data are anonymised and only accessible under very strict and limited conditions.

Or. en

Amendment 136
Jan Philipp Albrecht

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious crime. Because of the nature of the data and their uses, it is necessary that the PNR data are retained for a sufficiently long period for carrying out analysis and for use in investigations. ***In order to avoid disproportionate use, it is necessary that, after an initial period, the data are anonymised and only accessible under very strict and limited conditions.***

Amendment

(21) The period during which PNR data are to be retained should be proportionate to the purposes of the prevention, detection, investigation and prosecution of terrorist offences and serious ***transnational*** crime. Because of the nature of the data and their uses, it is necessary that the PNR data are retained for a sufficiently long period for carrying out analysis and for use in investigations.

Or. en

Amendment 137
Alexander Alvaro

Proposal for a directive
Recital 22

Text proposed by the Commission

Amendment

(22) Where specific PNR data have been transferred to a competent authority and are used in the context of specific criminal investigations or prosecutions, the retention of such data by the competent authority should be regulated by the national law of the Member State, irrespective of the retention periods set by this Directive.

deleted

Or. en

Amendment 138
Alexander Alvaro

Proposal for a directive
Recital 23

Text proposed by the Commission

Amendment

(23) The processing of PNR data domestically in each Member State by the Passenger Information Unit and by competent authorities should be subject to a standard of protection of personal data under their national law which is in line with Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ('Framework Decision 2008/977/JHA').

deleted

Or. en

Amendment 139
Sophia in 't Veld

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) The processing of PNR data domestically in each Member State by the Passenger Information Unit and by competent authorities should be subject to a standard of protection of personal data under their national law which is in line with *Framework Decision 2008/977/JHA* of 27 November 2008 on the protection of personal data *processed in the framework of police and judicial cooperation in criminal matters* ('*Framework Decision 2008/977/JHA*').

Amendment

(23) The processing of PNR data domestically in each Member State by the Passenger Information Unit and by competent authorities should be subject to a standard of protection of personal data under their national law which is in line with *the Directive of the European Parliament and of the Council of [...] on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, and ensuring compliance with the high level of protection offered in the Charter of Fundamental Rights of the European Union, Council of Europe Convention 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data, and the European Convention for the Protection of Human Rights and Fundamental Freedoms.*

Or. en

Justification

The Directive on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, should be adopted before an EU PNR Directive.

Amendment 140
Axel Voss

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) The processing of PNR data domestically in each Member State **by the Passenger Information Unit and** by competent authorities should be subject to a standard of protection of personal data under their national law which is in line with Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ('Framework Decision 2008/977/JHA').

Amendment

(23) The processing of PNR data domestically in each Member State by competent authorities should be subject to a standard of protection of personal data under their national law which is in line with Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ('Framework Decision 2008/977/JHA').

Or. de

Amendment 141
Martin Ehrenhauser

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) The processing of PNR data domestically in each Member State by the Passenger Information Unit and by competent authorities should be subject to a standard of protection of personal data under their national law which is in line with Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ('Framework Decision 2008/977/JHA').

Amendment

(23) The processing of PNR data domestically in each Member State by the Passenger Information Unit and by competent authorities should be subject to a standard of protection of personal data under their national law which is in line with Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ('Framework Decision 2008/977/JHA') **and Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data¹**.

¹ OJ L 281, 23.11.1995, p. 31.

Or. en

Amendment 142
Véronique Mathieu

Proposal for a directive
Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) Air carriers who gather the contact details of passengers who have reserved their tickets through a travel agent should not be able to use those details for commercial purposes.

Or. fr

Justification

An air carrier cannot use passengers' particulars for commercial purposes when the passengers have knowingly supplied them only to a travel agent.

Amendment 143
Alexander Alvaro

Proposal for a directive
Recital 24

Text proposed by the Commission

Amendment

(24) Taking into consideration the right to the protection of personal data, the rights of the data subjects to processing of their PNR data, such as the right of access, the right of rectification, erasure and blocking, as well as the rights to compensation and judicial remedies, should be in line with Framework Decision 2008/977/JHA.

deleted

Amendment 144
Sophia in 't Veld

Proposal for a directive
Recital 24

Text proposed by the Commission

(24) Taking into consideration the right to the protection of personal data, the rights of the data subjects to processing of their PNR data, such as the right of access, the right of rectification, erasure and blocking, as well as the rights to compensation and judicial remedies, should be in line with ***Framework Decision 2008/977/JHA***.

Amendment

(24) Taking into consideration the right to the protection of personal data, the rights of the data subjects to processing of their PNR data, such as the right of access, the right of rectification, erasure and blocking, as well as the rights to compensation and judicial remedies, should be in line with ***Directive [...] of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, the Charter of Fundamental Rights of the European Union, Council of Europe Convention 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data, and the European Convention for the Protection of Human Rights and Fundamental Freedoms***.

Or. en

Justification

The Directive on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, should be adopted before an EU PNR Directive.

Amendment 145
Martin Ehrenhauser

Proposal for a directive
Recital 24

Text proposed by the Commission

(24) Taking into consideration the right to the protection of personal data, the rights of the data subjects to processing of their PNR data, such as the right of access, the right of rectification, erasure and blocking, as well as the rights to compensation and judicial remedies, should be in line with Framework Decision 2008/977/JHA.

Amendment

(24) Taking into consideration the right to the protection of personal data, the rights of the data subjects to processing of their PNR data, such as the right of access, the right of rectification, erasure and blocking, as well as the rights to compensation and judicial remedies, should be in line with Framework Decision 2008/977/JHA **and Directive 95/46/EC**.

Or. en

Amendment 146
Alexander Alvaro

Proposal for a directive
Recital 25

Text proposed by the Commission

(25) Taking into account the right of passengers to be informed of the processing of their personal data, Member States should ensure they are provided with accurate information about the collection of PNR data and their transfer to the Passenger Information Unit.

Amendment

deleted

Or. en

Amendment 147
Sophia in 't Veld

Proposal for a directive
Recital 25

Text proposed by the Commission

(25) Taking into account the right of passengers to be informed of the processing of their personal data, Member States should ensure they are provided with accurate information about the collection of PNR data and their transfer to the Passenger Information Unit.

Amendment

(25) Taking into account the right of passengers to be informed of the processing of their personal data, Member States should ensure they are provided ***in a timely and transparent fashion*** with accurate ***and complete*** information about the collection of PNR data and their transfer to the Passenger Information Unit.

Or. en

Amendment 148
Martin Ehrenhauser

Proposal for a directive
Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) Member States should ensure that the costs arising from measures taken to use PNR data are not passed on to passengers.

Or. en

Amendment 149
Alexander Alvaro

Proposal for a directive
Recital 26

Text proposed by the Commission

Amendment

(26) Transfers of PNR data by Member States to third countries should be permitted only on a case-by-case basis and in compliance with Framework Decision 2008/977/JHA. To ensure the protection of personal data, such transfers should be subject to additional

deleted

requirements relating to the purpose of the transfer, the quality of the receiving authority and the safeguards applicable to the personal data transferred to the third country.

Or. en

Amendment 150
Sophia in 't Veld

Proposal for a directive
Recital 26

Text proposed by the Commission

(26) Transfers of PNR data by Member States to third countries should be permitted only on a case-by-case basis and in compliance with **Framework Decision 2008/977/JHA**. To ensure the protection of personal data, such transfers should be subject to additional requirements relating to the purpose of the transfer, the quality of the receiving authority and the safeguards applicable to the personal data transferred to the third country.

Amendment

(26) Transfers of PNR data by Member States to third countries should be permitted only on a case-by-case basis, ***if the transfer is necessary and proportionate to the prevention, investigation, detection or prosecution of terrorist offences and serious transnational crime***, in compliance with ***the Directive of the European Parliament and of the Council of xx/xx/201x on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, and subject to prior judicial authorisation***. To ensure the protection of personal data, such transfers should be subject to additional requirements relating to the purpose of the transfer, the quality of the receiving authority and the safeguards applicable to the personal data transferred to the third country, ***ensuring compliance with the Charter of Fundamental Rights of the European Union, Council of Europe Convention 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data, and the***

Amendment 151
Axel Voss

Proposal for a directive
Recital 26

Text proposed by the Commission

(26) Transfers of PNR data by **Member States** to third countries should be permitted only on a case-by-case basis and in compliance with Framework Decision 2008/977/JHA. To ensure the protection of personal data, such transfers should be subject to additional requirements relating to the purpose of the transfer, the quality of the receiving authority and the safeguards applicable to the personal data transferred to the third country.

Amendment

(26) Transfers of PNR data by **the Passenger Information Unit** to third countries should be permitted only on a case-by-case basis and in compliance with Framework Decision 2008/977/JHA. To ensure the protection of personal data, such transfers should be subject to additional requirements relating to the purpose of the transfer, the quality of the receiving authority and the safeguards applicable to the personal data transferred to the third country.

Amendment 152
Martin Ehrenhauser

Proposal for a directive
Recital 26

Text proposed by the Commission

(26) Transfers of PNR data by Member States to third countries should be permitted only on a case-by-case basis and in compliance with Framework Decision 2008/977/JHA. **To ensure the protection of personal data, such transfers should be subject to additional requirements**

Amendment

(26) Transfers of PNR data by Member States to third countries should be permitted only on a case-by-case basis and in compliance with Framework Decision 2008/977/JHA and **Union data protection legislation.**

relating to the purpose of the transfer, the quality of the receiving authority and the safeguards applicable to the personal data transferred to the third country.

Or. en

Amendment 153
Martin Ehrenhauser

Proposal for a directive
Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) The transmission of PNR data should be limited to cases where it is indispensable for the prevention and detection of specific terrorist offences and, where third countries are involved, only if in compliance with Union data protection legislation.

Or. en

Amendment 154
Alexander Alvaro

Proposal for a directive
Recital 27

Text proposed by the Commission

Amendment

(27) The national supervisory authority that has been established in implementation of Framework Decision 2008/977/JHA should also be responsible for advising on and monitoring of the application and implementation of the provisions of this Directive.

deleted

Or. en

Amendment 155
Sophia in 't Veld

Proposal for a directive
Recital 27

Text proposed by the Commission

(27) The national supervisory authority that ***has been*** established in implementation of ***Framework Decision 2008/977/JHA*** should also be responsible for advising on and monitoring of the application and implementation of the provisions of this Directive.

Amendment

(27) The national supervisory authority that ***will be*** established in implementation of ***the Directive [...] of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data*** should also be responsible for advising on and monitoring of the application and implementation of the provisions of this Directive. ***The national data protection authorities are responsible for advising on and monitoring of the application and implementation of the data protection provisions of this Directive.***

Or. en

Amendment 156
Sophia in 't Veld

Proposal for a directive
Recital 28

Text proposed by the Commission

(28) ***This Directive does not affect the possibility for Member States to provide, under their domestic law, for a system of collection and handling of PNR data for purposes other than those specified in this Directive, or from transportation providers other than those specified in the Directive, regarding internal flights***

Amendment

deleted

subject to compliance with relevant data protection provisions, provided that such domestic law respects the Union acquis. The issue of the collection of PNR data on internal flights should be the subject of specific reflection at a future date.

Or. en

Amendment 157
Alexander Alvaro

Proposal for a directive
Recital 28

Text proposed by the Commission

Amendment

(28) This Directive does not affect the possibility for Member States to provide, under their domestic law, for a system of collection and handling of PNR data for purposes other than those specified in this Directive, or from transportation providers other than those specified in the Directive, regarding internal flights subject to compliance with relevant data protection provisions, provided that such domestic law respects the Union acquis. The issue of the collection of PNR data on internal flights should be the subject of specific reflection at a future date.

deleted

Or. en

Amendment 158
Birgit Sippel, Carmen Romero López

Proposal for a directive
Recital 28

Text proposed by the Commission

Amendment

(28) This Directive does not affect the possibility for Member States to provide,

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under their domestic law, for a system of collection and handling of PNR data for purposes other than those specified in this Directive, or from transportation providers other than those specified in the Directive, regarding internal flights subject to compliance with relevant data protection provisions, provided that such domestic law respects the Union acquis. The issue of the collection of PNR data on internal flights should be the subject of specific reflection at a future date.

Or. en

Amendment 159

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive

Recital 28

Text proposed by the Commission

Amendment

(28) This Directive does not affect the possibility for Member States to provide, under their domestic law, for a system of collection and handling of PNR data for purposes other than those specified in this Directive, or from transportation providers other than those specified in the Directive, regarding internal flights subject to compliance with relevant data protection provisions, provided that such domestic law respects the Union acquis. The issue of the collection of PNR data on internal flights should be the subject of specific reflection at a future date.

deleted

Or. en

Amendment 160

Jan Philipp Albrecht

Proposal for a directive
Recital 28

Text proposed by the Commission

Amendment

(28) This Directive does not affect the possibility for Member States to provide, under their domestic law, for a system of collection and handling of PNR data for purposes other than those specified in this Directive, or from transportation providers other than those specified in the Directive, regarding internal flights subject to compliance with relevant data protection provisions, provided that such domestic law respects the Union acquis. The issue of the collection of PNR data on internal flights should be the subject of specific reflection at a future date.

deleted

Or. en

Amendment 161
Axel Voss

Proposal for a directive
Recital 28

Text proposed by the Commission

Amendment

(28) This Directive does not affect the possibility for Member States to provide, under their domestic law, for a system of collection and handling of PNR data for purposes other than those specified in this Directive, or from transportation providers other than those specified in the Directive, regarding internal flights subject to compliance with relevant data protection provisions, provided that such domestic law respects the Union acquis. The issue of the collection of PNR data on internal flights should be the subject of specific reflection at a future date.

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Or. de

Amendment 162
Martin Ehrenhauser

Proposal for a directive
Recital 28

Text proposed by the Commission

Amendment

(28) This Directive does not affect the possibility for Member States to provide, under their domestic law, for a system of collection and handling of PNR data for purposes other than those specified in this Directive, or from transportation providers other than those specified in the Directive, regarding internal flights subject to compliance with relevant data protection provisions, provided that such domestic law respects the Union acquis. The issue of the collection of PNR data on internal flights should be the subject of specific reflection at a future date.

deleted

Or. en

Amendment 163
Hubert Pirker, Frank Engel

Proposal for a directive
Recital 28

Text proposed by the Commission

Amendment

(28) This Directive does not affect the possibility for Member States to provide, ***under their domestic law***, for a system of collection and handling of PNR data ***for purposes other than those specified in this Directive, or*** from transportation providers other than those specified in the Directive, ***regarding internal flights*** subject to compliance with relevant data protection provisions, provided that such domestic law respects the Union acquis. ***The issue of***

(28) This Directive does not affect the possibility for Member States to provide for a system of collection and handling of PNR data from transportation providers other than those specified in the Directive subject to compliance with relevant data protection provisions, provided that such domestic law respects the Union acquis.

the collection of PNR data on internal flights should be the subject of specific reflection at a future date.

Or. de

Amendment 164
Carmen Romero López, Birgit Sippel

Proposal for a directive
Recital 28

Text proposed by the Commission

(28) This Directive does not affect the possibility for Member States to provide, under their domestic law, for a system of collection and handling of PNR data for purposes other than those specified in this Directive, or from transportation providers other than those specified in the Directive, regarding internal flights subject to compliance with relevant data protection provisions, provided that such domestic law respects the Union acquis. *The issue of the collection of PNR data on internal flights should be the subject of specific reflection at a future date.*

Amendment

(28) This Directive does not affect the possibility for Member States to provide, under their domestic law, for a system of collection and handling of PNR data for purposes other than those specified in this Directive, or from transportation providers other than those specified in the Directive, regarding internal flights subject to compliance with relevant data protection provisions, provided that such domestic law respects the Union acquis.

Or. en

Amendment 165
Alexander Alvaro

Proposal for a directive
Recital 29

Text proposed by the Commission

(29) As a result of the legal and technical differences between national provisions concerning the processing of personal data, including PNR, air carriers are and will be faced with different requirements

Amendment

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regarding the types of information to be transmitted, as well as the conditions under which this information needs to be provided to competent national authorities. These differences may be prejudicial to effective cooperation between the competent national authorities for the purposes of preventing, detecting, investigating and prosecuting terrorist offences or serious crime.

Or. en

Amendment 166
Manfred Weber

Proposal for a directive
Recital 29

Text proposed by the Commission

Amendment

(29) As a result of the legal and technical differences between national provisions concerning the processing of personal data, including PNR, air carriers are and will be faced with different requirements regarding the types of information to be transmitted, as well as the conditions under which this information needs to be provided to competent national authorities. These differences may be prejudicial to effective cooperation between the competent national authorities for the purposes of preventing, detecting, investigating and prosecuting terrorist offences or serious crime.

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Or. de

Amendment 167
Carmen Romero López, Birgit Sippel

Proposal for a directive
Recital 29

Text proposed by the Commission

(29) As a result of the legal and technical differences between national provisions concerning the processing of personal data, including PNR, air carriers are and will be faced with different requirements regarding the types of information to be transmitted, as well as the conditions under which this information needs to be provided to competent national authorities. These differences may be prejudicial to effective cooperation between the competent national authorities for the purposes of preventing, detecting, investigating and prosecuting terrorist offences *or serious crime*.

Amendment

(29) As a result of the legal and technical differences between national provisions concerning the processing of personal data, including PNR, air carriers are and will be faced with different requirements regarding the types of information to be transmitted, as well as the conditions under which this information needs to be provided to competent national authorities. These differences may be prejudicial to effective cooperation between the competent national authorities for the purposes of preventing, detecting, investigating and prosecuting terrorist offences.

Or. en

Amendment 168

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive

Recital 29

Text proposed by the Commission

(29) As a result of the legal and technical differences between national provisions concerning the processing of personal data, including PNR, air carriers are and will be faced with different requirements regarding the types of information to be transmitted, as well as the conditions under which this information needs to be provided to competent national authorities. These differences may be prejudicial to effective cooperation between the competent national authorities for the purposes of preventing, detecting, investigating and prosecuting terrorist offences or serious crime.

Amendment

(29) As a result of the legal and technical differences between national provisions concerning the processing of personal data, including PNR, air carriers are and will be faced with different requirements regarding the types of information to be transmitted, as well as the conditions under which this information needs to be provided to competent national authorities. These differences may be prejudicial to effective cooperation between the competent national authorities for the purposes of preventing, detecting, investigating and prosecuting terrorist offences or serious *transnational* crime.

Or. en

Amendment 169
Sophia in 't Veld

Proposal for a directive
Recital 29

Text proposed by the Commission

(29) As a result of the legal and technical differences between national provisions concerning the processing of personal data, including PNR, air carriers are and will be faced with different requirements regarding the types of information to be transmitted, as well as the conditions under which this information needs to be provided to competent national authorities. These differences may be prejudicial to effective cooperation between the competent national authorities for the purposes of preventing, detecting, investigating and prosecuting terrorist offences or serious crime.

Amendment

(29) As a result of the legal and technical differences between national provisions concerning the processing of personal data, including PNR, air carriers are and will be faced with different requirements regarding the types of information to be transmitted, as well as the conditions under which this information needs to be provided to competent national authorities. These differences may be prejudicial to effective cooperation between the competent national authorities for the purposes of preventing, detecting, investigating and prosecuting terrorist offences or serious ***transnational*** crime.

Or. en

Amendment 170
Alexander Alvaro

Proposal for a directive
Recital 30

Text proposed by the Commission

(30) Since the objectives of this Directive cannot be sufficiently achieved by the Member States, and can be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond

Amendment

deleted

what is necessary in order to achieve that objective.

Or. en

Amendment 171
Manfred Weber

Proposal for a directive
Recital 30

Text proposed by the Commission

Amendment

(30) Since the objectives of this Directive cannot be sufficiently achieved by the Member States, and can be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

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Or. de

Amendment 172
Alexander Alvaro

Proposal for a directive
Recital 31

Text proposed by the Commission

Amendment

(31) This Directive respects the fundamental rights and the principles of the Charter of Fundamental Rights of the European Union, in particular the right to the protection of personal data, the right to privacy and the right to non-discrimination as protected by Articles 8, 7 and 21 of the Charter and has to be

deleted

implemented accordingly. The Directive is compatible with data protection principles and its provisions are in line with the Framework Decision 2008/977/JHA. Furthermore, and in order to comply with the proportionality principle, the Directive, on specific issues, will have stricter rules on data protection than the Framework Decision 2008/977/JHA.

Or. en

Amendment 173
Birgit Sippel, Carmen Romero López

Proposal for a directive
Recital 31

Text proposed by the Commission

(31) This Directive respects the fundamental rights and the principles of the Charter of Fundamental Rights of the European Union, in particular the right to the protection of personal data, the right to privacy and the right to non-discrimination as protected by Articles 8, 7 and 21 of the Charter and has to be implemented accordingly. The Directive is compatible with data protection principles and its provisions are in line with the Framework Decision 2008/977/JHA. Furthermore, and in order to comply with the proportionality principle, the Directive, on specific issues, will have stricter rules on data protection than the Framework Decision 2008/977/JHA.

Amendment

(31) This Directive respects the fundamental rights and the principles of the Charter of Fundamental Rights of the European Union, in particular the right to the protection of personal data, the right to privacy and the right to non-discrimination as protected by Articles 8, 7 and 21 of the Charter and has to be implemented accordingly. The Directive is compatible with data protection principles, *in particular Article 16 TFEU*, and its provisions are in line with the Framework Decision 2008/977/JHA. Furthermore, and in order to comply with the proportionality principle, the Directive, on specific issues, will have stricter rules on data protection than the Framework Decision 2008/977/JHA.

Or. en

Amendment 174
Sophia in 't Veld

Proposal for a directive
Recital 31

Text proposed by the Commission

(31) This Directive respects the fundamental rights and the principles of the Charter of Fundamental Rights of the European Union, in particular the right to the protection of personal data, the right to privacy and the right to non-discrimination as protected by Articles 8, 7 and 21 of the Charter and has to be implemented accordingly. The Directive is compatible with data protection principles and its provisions are in line with the *Framework Decision 2008/977/JHA*. Furthermore, and *in order to comply with the proportionality principle, the Directive, on specific issues, will have stricter rules on data protection than the Framework Decision 2008/977/JHA*.

Amendment

(31) This Directive respects the fundamental rights and the principles of the Charter of Fundamental Rights of the European Union, in particular the right to the protection of personal data, the right to privacy and the right to non-discrimination as protected by Articles 8, 7 and 21 of the Charter, *Convention 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data, and the European Convention for the Protection of Human Rights and Fundamental Freedoms, and* has to be implemented accordingly. The Directive is compatible with data protection principles and its provisions are in line with the *Directive [...] of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data*.

Or. en

Amendment 175
Alexander Alvaro

Proposal for a directive
Recital 32

Text proposed by the Commission

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding 5 years, after which the data must be deleted, the data must be

Amendment

deleted

anonymised after a very short period, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Or. en

Amendment 176
Sophia in 't Veld

Proposal for a directive
Recital 32

Text proposed by the Commission

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding **5 years**, after which the data must be deleted, the data must be **anonymised** after a very short period, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national **supervisory** authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the

Amendment

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding **three months**, after which the data must be **permanently** deleted, the data must be **depersonalised** after a very short period, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national **data protection** authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security

data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Or. en

Amendment 177

Birgit Sippel, Carmen Romero López

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding **5 years**, after which the data must be deleted, the data must be anonymised after a very short period, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Amendment

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding **three years**, after which the data must be deleted, the data must be anonymised after a very short period, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Or. en

Amendment 178

Jan Philipp Albrecht

Proposal for a directive
Recital 32

Text proposed by the Commission

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding **5 years**, after which the data must be deleted, ***the data must be anonymised after a very short period***, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Amendment

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding **30 days**, after which the data must be deleted, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Or. en

Amendment 179
Axel Voss

Proposal for a directive
Recital 32

Text proposed by the Commission

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding 5 years, after which the data must be deleted, the data must be anonymised after a very short period, the collection and use of sensitive data is prohibited. In order to ensure efficiency

Amendment

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding 5 years, after which the data must be deleted, the data must be anonymised after a very short period, the collection and use of sensitive data is prohibited. In order to ensure efficiency

and a high level of data protection, **Member States are required to ensure** that an independent **national** supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must **also** ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

and a high level of data protection, **it must be ensured** that an independent supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Or. de

Amendment 180
Martin Ehrenhauser

Proposal for a directive
Recital 32

Text proposed by the Commission

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding **5 years**, after which the data must be deleted, the data must be anonymised after a **very short** period, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of

Amendment

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding **30 days**, after which the data must be deleted, the data must be anonymised after a period **of seven days**, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of

PNR data and their rights.

PNR data and their rights.

Or. en

Amendment 181
Véronique Mathieu

Proposal for a directive
Recital 32

Text proposed by the Commission

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding 5 years, after which the data must be deleted, the data must be anonymised after a *very* short period, the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Amendment

(32) In particular, the scope of the Directive is as limited as possible, it allows retention of PNR data for period of time not exceeding 5 years, after which the data must be deleted; the data must be anonymised after a short period *so that data which make it possible to identify people no longer appear*; the collection and use of sensitive data is prohibited. In order to ensure efficiency and a high level of data protection, Member States are required to ensure that an independent national supervisory authority is responsible for advising and monitoring how PNR data are processed. All processing of PNR data must be logged or documented for the purpose of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security of the data processing. Member States must also ensure that passengers are clearly and precisely informed about the collection of PNR data and their rights.

Or. fr

Justification

It is important to state the intention of masking data, i.e. ensuring that passengers' identity can no longer be detected.

Amendment 182
Alexander Alvaro

Proposal for a directive
Recital 33

Text proposed by the Commission

Amendment

(33) [In accordance with Article 3 of the Protocol (No 21) on the position of United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, those Member States have notified their wish to participate in the adoption and application of this Directive] OR [Without prejudice to Article 4 of the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, those Member States will not participate in the adoption of this Directive and will not be bound by or be subject to its application].

deleted

Or. en

Amendment 183
Alexander Alvaro

Proposal for a directive
Recital 34

Text proposed by the Commission

Amendment

(34) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not

deleted

bound by it or subject to its application,

Or. en

Amendment 184
Alexander Alvaro

Proposal for a directive
Article 1

Text proposed by the Commission

Amendment

Article 1

deleted

Subject matter and scope

1. This Directive provides for the transfer by air carriers of Passenger Name Record data of passengers of international flights to and from the Member States, as well as the processing of that data, including its collection, use and retention by the Member States and its exchange between them.

2. The PNR data collected in accordance with this Directive may be processed only for the following purposes:

(a) The prevention, detection, investigation and prosecution of terrorist offences and serious crime according to Article 4(2)(b) and (c); and

(b) The prevention, detection, investigation and prosecution of terrorist offences and serious transnational crime according to Article 4(2)(a) and (d).

Or. en

Amendment 185
Sophia in 't Veld

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive provides for the transfer by air carriers of Passenger Name Record data of passengers of international flights to and from the Member States, as well as the processing of that data, including its collection, use and retention by the Member States and its exchange between them.

Amendment

1. This Directive provides for the transfer by air carriers of Passenger Name Record data of passengers of **targeted** international flights to and from the Member States, as well as the processing of that data, including its collection, use and retention by the Member States and its exchange between them. ***This Directive does not apply to flights within the European Union or to transit flights.***

Or. en

Justification

The scope of this Directive should be limited to targeted international flights only.

Amendment 186

Axel Voss

Proposal for a directive

Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive provides for the transfer by air carriers of Passenger Name Record data ***of passengers of international*** flights to and from the ***Member States***, as well as the processing of that data, including its collection, use and retention by the ***Member States*** and its exchange ***between them***.

Amendment

1. This Directive provides for the transfer by air carriers of Passenger Name Record data ***relating to passenger*** flights ***between European Union Member States and third countries***, to and from the ***European Union***, as well as the processing of that data, including its collection, use and retention by the ***Passenger Information Unit*** and its exchange ***with third countries***.

Or. de

Amendment 187

Manfred Weber

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive **provides for** the transfer by air carriers of Passenger Name Record data of passengers of international flights to and from the Member States, as well as the processing of that data, including its collection, use and retention by the Member States and its exchange between them.

Amendment

1. This Directive **lays down the principles governing the possible** transfer by air carriers of Passenger Name Record data of passengers of international flights to and from the Member States, as well as the processing of that data, including its collection, use and retention by the Member States and its exchange between them. **The provisions of this directive shall apply to those Member States which decide to use PNR data for the purposes provided for in Article 1(2)(a) and (b).**

Or. de

Amendment 188
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive provides for the transfer by air carriers of Passenger Name Record data of passengers of international flights to and from the Member States, as well as the processing of that data, including its collection, use and retention by the Member States and its exchange between them.

Amendment

1. This Directive provides for the transfer by air carriers of Passenger Name Record data of passengers of **targeted** international flights to and from the Member States, as well as the processing of that data, including its collection, use and retention by the Member States and its exchange between them.

Or. en

Amendment 189
Véronique Mathieu

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

1. This Directive provides for the transfer by air carriers of Passenger Name Record data of passengers of **international** flights to and from the Member States, as well as the processing of that data, including its collection, use and retention by the Member States and its exchange between them.

Amendment

1. This Directive provides for the transfer by air carriers of Passenger Name Record data of passengers of flights **inside and outside the Union** to and from the Member States, as well as the processing of that data, including its collection, use and retention by the Member States and its exchange between them.

Or. fr

Justification

This amendment takes account of the consequences of the inclusion of all flights within the Union in the scope of the directive. The formulation ‘inside and outside the Union’ is preferable to ‘international/internal flights’, which is derived from the Schengen Borders Code and is not appropriate in a directive which is to apply to the whole territory of the European Union.

Amendment 190

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive

Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The transfer by air carriers of Passenger Name Record data of passengers on domestic flights to and from the Member States, as well as the processing of those data, including their collection, use and retention by the Member States and its exchange between them shall be prohibited under this Directive.

Or. en

Justification

This is to clarify that only data from international flights are transferred and processed.

Amendment 191
Sophia in 't Veld

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. The PNR data collected in accordance with this Directive may be processed only for the **following** purposes:

(a) The prevention, detection, investigation and prosecution of terrorist offences and serious crime according to Article 4(2)(b) and (c); and

(b) The prevention, detection, investigation and prosecution of terrorist offences and serious transnational crime according to Article 4(2)(a) and (d).

Amendment

2. The PNR data collected in accordance with this Directive **on targeted international flights** may be processed only for the **prevention, detection, investigation, and prosecution of terrorist offences and serious transnational crimes according to Article 4(2). The PNR data shall not be used for other** purposes.

Or. en

Amendment 192
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive
Article 1 – paragraph 2 – point a

Text proposed by the Commission

(a) The prevention, detection, investigation and prosecution of terrorist offences and serious crime according to Article 4(2)(b) and (c); and

Amendment

deleted

Or. en

Amendment 193
Carmen Romero López, Birgit Sippel

Proposal for a directive
Article 1 – paragraph 2 – point a

Text proposed by the Commission

(a) The prevention, detection, investigation and prosecution of terrorist offences **and serious crime according to Article 4(2)(b) and (c); and**

Amendment

(a) The prevention, detection, investigation and prosecution of terrorist offences.

Or. en

Amendment 194
Jan Philipp Albrecht

Proposal for a directive
Article 1 – paragraph 2 – point a

Text proposed by the Commission

(a) The prevention, detection, investigation and prosecution of terrorist offences and serious crime according to Article 4(2)(b) **and (c); and**

Amendment

(a) The prevention, detection, investigation and prosecution of terrorist offences and **certain types of serious transnational crime as defined in point (i) of Article 2 and** according to Article 4(2);

Or. en

Amendment 195
Martin Ehrenhauser

Proposal for a directive
Article 1 – paragraph 2 – point a

Text proposed by the Commission

(a) The prevention, detection, investigation and prosecution of terrorist offences and serious crime **according to Article 4(2)(b) and (c); and**

Amendment

(a) The prevention, detection, investigation and prosecution of terrorist offences and **certain types of serious transnational crime as defined in Article 2(i) and according to Article 4(2).**

Amendment 196
Carmen Romero López, Birgit Sippel

Proposal for a directive
Article 1 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) The prevention, detection, investigation and prosecution of terrorist offences and serious transnational crime according to Article 4(2)(a) and (d).

deleted

Amendment 197
Jan Philipp Albrecht

Proposal for a directive
Article 1 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) The prevention, detection, investigation and prosecution of terrorist offences and serious transnational crime according to Article 4(2)(a) and (d).

deleted

Justification

Covered under amended article 1.2(a)

Amendment 198
Martin Ehrenhauser

Proposal for a directive
Article 1 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) The prevention, detection, investigation and prosecution of terrorist offences and serious transnational crime according to Article 4(2)(a) and (d).

deleted

Or. en

Amendment 199
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive
Article 1 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) The prevention, detection, investigation and prosecution of terrorist offences and serious transnational crime according to Article 4(2)(a) ***and (d)***.

(b) The prevention, detection, investigation and prosecution of terrorist offences and serious transnational crime according to Article 4(2)(a).

Or. en

Amendment 200
Martin Ehrenhauser

Proposal for a directive
Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The PNR data collected in accordance with this Directive shall not be processed for offences which are punishable by a custodial sentence or a detention order for a maximum period of less than three years under the national law of a Member State.

Or. en

Amendment 201
Martin Ehrenhauser

Proposal for a directive
Article 1 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. This Directive does not apply to flights within Europe or to means of transport other than airplanes.

Or. en

Amendment 202
Birgit Sippel, Carmen Romero López

Proposal for a directive
Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. This Directive shall not apply to air carriers operating passenger flights within the territory of the Union.

Or. en

Amendment 203
Jan Philipp Albrecht

Proposal for a directive
Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. This Directive shall not apply to flights within the Union or to means of transport other than airplanes.

Or. en

Amendment 204
Jan Philipp Albrecht

Proposal for a directive
Article 1 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. PNR data collected in accordance with this Directive may not be processed for minor offences which are punishable by a custodial sentence or a detention order for a maximum period of less than three years under the national law of a Member State.

Or. en