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SECOND REPORT

on the initiative by the Kingdom of Spain with a view to the adoption of a Council directive on the obligation of carriers to communicate passenger data (6620/2004 – C5-0111/2004 – 2003/0809(CNS))

Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

Rapporteur: Jorge Salvador Hernández Mollar

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

By letter of 3 April 2003 the Council consulted Parliament, pursuant to Article 67 of the EC Treaty, on the initiative of the Kingdom of Spain with a view to the adoption of a Council directive on the obligation of carriers to communicate passenger data (7161/2003 – 2003/0809(CNS)).

At the sitting of 10 April 2003 the President of Parliament announced that he had referred the initiative to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible and the Committee on Regional Policy, Transport and Tourism for its opinion (C5-0164/2003).

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs appointed Ingo Schmitt rapporteur at its meeting of 23 April 2003.

By letter of 26 February 2004, the Council forwarded to the European Parliament document 6620/2004 of 23 February 2004 for information.

At the sitting of 8 March 2004, the President of Parliament announced that he had referred the amended initiative to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible and the Committee on Regional Policy, Transport and Tourism for its opinion (C5-0111/2004).

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs decided on 9 March 2004 pursuant to Rule 61(4) of the Rules of Procedure to use this amended initiative of the Kingdom of Spain as the basic document.

The committee considered Council texts 7161/2003 of 25 March 2003 and 6620/2004 of 23 February 2004 and the draft reports at its meetings of 19 May 2003, 12 June 2003, 18 February 2004, 9 March 2004 and 18 March 2004.

At the last meeting it rejected the Spanish initiative by 20 votes to 4, with 9 abstentions.

The following were present for the vote: Jorge Salvador Hernández Mollar (chairman), Robert J.E. Evans and Giacomo Santini (vice-chairmen), Ingo Schmitt (rapporteur), Regina Bastos (for Mary Elizabeth Banotti pursuant to Rule 153(2)), María Luisa Bergaz Conesa (for Ilka Schröder pursuant to Rule 153(2)), Christian Ulrik von Boetticher, Mario Borghezio, Alima Boumediene-Thiery, Kathalijne Maria Buitenweg (for Heide Rühle), Giorgio Calò (for Baroness Ludford pursuant to Rule 153(2)), Charlotte Cederschiöld, Ozan Ceyhan, Gérard M.J. Deprez, Antonio Di Pietro (for Francesco Rutelli), Timothy Kirkhope, Helmuth Markov (for Fodé Sylla pursuant to Rule 153(2)), Pasqualina Napoletano (for Adeline Hazan pursuant to Rule 153(2)), Marcelino Oreja Arburúa, Josu Ortuondo Larrea (for Pierre Jonckheer pursuant to Rule 153(2)), Elena Ornella Paciotti, Fernando Pérez Royo (for Margot Keßler pursuant to Rule 153(2)), Hubert Pirker, José Ribeiro e Castro, Martine Roure, Olle Schmidt (for Johanna L.A. Boogerd-Quaak), Ole Sørensen (for Bill Newton Dunn), Patsy Sørensen, María Sornosa Martínez (for Sérgio Sousa Pinto pursuant to Rule 153(2)), The Earl of Stockton (for Eva Klamt), Joke Swiebel, Anna Terrón i Cusí and Maurizio Turco.

The report was tabled on 19 March 2004 (A5-0211/2004).

At the sitting of 1 April 2004 the report was referred back to committee pursuant to Rule 68(3) of the Rules of Procedure.

The committee appointed Jorge Salvador Hernández Mollar rapporteur at its meeting of 6 April 2004.

It examined the initiative by the Kingdom of Spain at its meetings of 5 April and 6 April 2004.

The committee was informally informed by the Presidency at its meeting of 5 April 2004 about the latest modifications made to the text during the debates in Council (Council document 8058/2004).

At the last meeting it rejected the Spanish initiative unanimously.

The following were present for the vote: Jorge Salvador Hernández Mollar (chairman and rapporteur), Johanna L.A. Boogerd-Quaak (vice-chairwoman), Regina Bastos (for Carlos Coelho pursuant to Rule 153(2)), Maria Berger (for Gerhard Schmid), Christian Ulrik von Boetticher, Michael Cashman, Carmen Cerdeira Morterero, Ozan Ceyhun, Gérard M.J. Deprez, Antonio Di Pietro (for Francesco Rutelli), Rosa M. Díez González (for Sérgio Sousa Pinto), Marie-Thérèse Hermange (for Bernd Posselt), Margot Keßler, Heinz Kindermann (for Martin Schulz pursuant to Rule 153(2)), Timothy Kirkhope, Eva Klamt, Ole Krarup, Jean Lambert (for Alima Boumediene-Thiery), Lucio Manisco (for Giuseppe Di Lello Finuoli), Manuel Medina Ortega (for Robert J.E. Evans), Hartmut Nassauer, Bill Newton Dunn, Marcelino Oreja Arburúa, Elena Ornella Paciotti, Hubert Pirker, Martine Roure, Heide Rühle, Ole Sørensen (for Baroness Ludford), Patsy Sørensen, The Earl of Stockton (for Giacomo Santini), Joke Swiebel, Anna Terrón i Cusí, Maurizio Turco and Ian Twinn.

The second report was tabled on 7 April 2004.

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the initiative by the Kingdom of Spain with a view to the adoption of a Council directive on the obligation of carriers to communicate passenger data (6620/2004 – C5-0111/2004 – 2003/0809(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the initiative of the Kingdom of Spain (7161/2003)¹ and the amended initiative of the Kingdom of Spain (6620/2004)²,
 - having regard to Article 62(2)(a) and Article 63(3)(b) of the EC Treaty,
 - having regard to Article 67 of the EC Treaty, pursuant to which the Council consulted Parliament (C5-0111/2004),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the opinion of the Committee on Regional Policy, Transport and Tourism (A5-0211/2004),
 - having regard to the second report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0266/2004),
1. Rejects the initiative of the Kingdom of Spain;
 2. Calls on the Kingdom of Spain to withdraw its initiative and submit a new one;
 3. Instructs its President to forward its position to the Council and Commission, and the government of the Kingdom of Spain.

¹ OJ C 82, 5.4.2003, p. 23.

² Not yet published in OJ.