



PE560.854v01-00

7.7.2015

AMENDMENTS

1 - 125

Draft motion for a resolution

Claude Moraes

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

(PE557.264v02-00)

on the Follow up to the European Parliament Resolution of 12 March 2014 on
the electronic mass surveillance of EU citizens

AM_Com_NonLegRE

Amendment 1
Jan Philipp Albrecht, Judith Sargentini, Eva Joly

Draft motion for a resolution
Citation 3 a (new)

Draft motion for a resolution

Amendment

- having regard to the European Court of Human Rights case law concerning the right to privacy, freedom of speech and the protection of whistleblowers, including in the fields of national security and intelligence;

Or. en

Amendment 2
Monika Hohlmeier

Draft motion for a resolution
Citation 3 a (new)

Draft motion for a resolution

Amendment

- having regard to article 4 to of the Treaty on European Union

Or. en

Amendment 3
Helga Stevens

Draft motion for a resolution
Recital A

Draft motion for a resolution

Amendment

A. whereas in the resolution it called on the US authorities and the EU Member States to prohibit blanket mass surveillance activities and bulk processing of personal data of ***innocent people*** and denounced the reported actions by intelligence services

A. whereas in the resolution it called on the US authorities and the EU Member States to prohibit blanket mass surveillance activities and bulk processing of personal data of ***citizens*** and denounced the reported actions by intelligence services that

that severely affected EU citizens' trust and fundamental rights; whereas the resolution pointed towards the possible existence of other motives such as political and economic espionage given the capacity of the reported mass surveillance programmes;

severely affected EU citizens' trust and fundamental rights; whereas the resolution pointed towards the possible existence of other motives such as political and economic espionage given the capacity of the reported mass surveillance programmes;

Or. en

Amendment 4 **Sophia in 't Veld**

Draft motion for a resolution **Recital A**

Draft motion for a resolution

A. whereas in the resolution it called on the US authorities and the EU Member States to prohibit blanket mass surveillance activities and bulk processing of personal data of innocent people and denounced the reported actions by intelligence services that severely affected EU citizens' trust and fundamental rights; whereas the resolution pointed towards the possible existence of other motives such as political and economic espionage given the capacity of the reported mass surveillance programmes;

Amendment

A. whereas in the resolution it called on the US authorities and the EU Member States to prohibit blanket mass surveillance activities and bulk processing of personal data of innocent people and denounced the reported actions by intelligence services that severely affected EU citizens' trust and fundamental rights; whereas the resolution pointed towards the possible existence of other motives such as political and economic espionage given the capacity of the reported mass surveillance programmes; ***whereas the surveillance of lawyers, journalists, doctors and politicians seriously undermine democracy and the rule of law;***

Or. en

Amendment 5 **Timothy Kirkhope**

Draft motion for a resolution **Recital A**

Draft motion for a resolution

A. whereas in the resolution it called on the US authorities and the EU Member States to prohibit blanket mass surveillance activities and bulk processing of personal data *of innocent people and denounced the reported actions by intelligence services that severely affected EU citizens' trust and fundamental rights; whereas the resolution pointed towards the possible existence of other motives such as political and economic espionage given the capacity of the reported mass surveillance programmes;*

Amendment

A. whereas in the resolution it called on the US authorities and the EU Member States to prohibit blanket mass surveillance activities and bulk processing of personal data;

Or. en

Amendment 6
Monika Hohlmeier

Draft motion for a resolution
Recital A a (new)

Draft motion for a resolution

Amendment 7
Monika Hohlmeier

Draft motion for a resolution
Recital A b (new)

Draft motion for a resolution

Amendment

Aa. whereas security is a fundamental right as recognised in article 6 of the Charter;

Or. en

Amendment

Ab. whereas national security is an exclusive competence of MS in accordance with article 4 TEU;

Amendment 8
Timothy Kirkhope

Draft motion for a resolution
Recital C

Draft motion for a resolution

C. whereas the aforementioned working document reports on the developments since the adoption of the resolution, ***with the stream of revelations of alleged electronic mass surveillance activities continuing***, and on the state of implementation of the proposed "European Digital Habeas Corpus" indicating the limited response of the institutions, Member States and stakeholders called upon to act;

Amendment

C. whereas the aforementioned working document reports on the developments since the adoption of the resolution and on the state of implementation of the proposed "European Digital Habeas Corpus" indicating the limited response of the institutions, Member States and stakeholders called upon to act;

Amendment 9
Jan Philipp Albrecht, Judith Sargentini, Eva Joly

Draft motion for a resolution
Recital D a (new)

Draft motion for a resolution

Amendment

Da. whereas Wikileaks recently revealed the targeted surveillance of the communications of the last 3 French Presidents as well as French cabinet ministers and the French Ambassador in the US; whereas this strategic and economic espionage took place at a large scale over the last 10 years by the NSA of all the French state structures as well as the biggest French companies;

Amendment 10
Claude Moraes, Birgit Sippel

Draft motion for a resolution
Recital D a (new)

Draft motion for a resolution

Amendment

Da. whereas the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression states that encryption and anonymity provide the privacy and security necessary for the exercise of the right to freedom of opinion and expression in the digital age; whereas the report also states that any restrictions on encryption and anonymity must be strictly limited according to principles of legality, necessity, proportionality and legitimacy in objective;

Or. en

Amendment 11
Axel Voss

Draft motion for a resolution
Paragraph 1

Draft motion for a resolution

Amendment

1. Welcomes the inquiries of the German Bundestag, the Council of Europe, the United Nations and the Brazilian Senate, the debates in several other national Parliaments and the work of numerous civil society actors, that have contributed to the raised general awareness regarding electronic mass surveillance;

1. Welcomes the inquiries of the German Bundestag, the Council of Europe, the United Nations and the Brazilian Senate, the debates in several other national Parliaments and the ***reforms put forward by the US and the debates therein and the*** work of numerous civil society actors, that have contributed to the raised general awareness regarding electronic mass surveillance;

Or. en

Amendment 12

Jan Philipp Albrecht, Judith Sargentini, Eva Joly

Draft motion for a resolution

Paragraph 1 a (new)

Draft motion for a resolution

Amendment

1a. Calls on EU Member States to drop criminal charges, if any, against Edward Snowden and grant him protection and consequently prevent extradition or rendition by third parties, in recognition of his status as whistle blower and international human rights defender

Or. en

Amendment 13

Jan Philipp Albrecht, Judith Sargentini, Eva Joly

Draft motion for a resolution

Paragraph 1 b (new)

Draft motion for a resolution

Amendment

1b. Supports the call of the Parliamentary Assembly of the Council of Europe^{1a} on the United States of America to allow Edward Snowden to return without fear of criminal prosecution under conditions that would not allow him to raise the public interest defence;

^{1a} Resolution 2060 (2015) on Improving the protection of whistle-blowers, available at <http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=21931&lang=en>

Or. en

Amendment 14

Axel Voss, Brice Hortefeux, Artis Pabriks, Traian Ungureanu, Heinz K. Becker

Draft motion for a resolution

Paragraph 2

Draft motion for a resolution

Amendment

2. Is however highly disappointed by the overall lack of sense of urgency and willingness shown by most Member States and the EU Institutions to seriously address the issues raised in the resolution and to carry out the concrete recommendations therein, as well as by the lack of transparency towards and dialogue with the European Parliament; *deleted*

Or. en

Amendment 15

Timothy Kirkhope

Draft motion for a resolution

Paragraph 2

Draft motion for a resolution

Amendment

2. Is however highly disappointed by the overall lack of sense of urgency and willingness shown by most Member States and the EU Institutions to seriously address the issues raised in the resolution and to carry out the concrete recommendations therein, as well as by the lack of transparency towards and dialogue with the European Parliament; *deleted*

Or. en

Amendment 16

Cornelia Ernst, Marie-Christine Vergiat, Barbara Spinelli

Draft motion for a resolution

Paragraph 2

Draft motion for a resolution

2. Is however highly disappointed by the overall lack of sense of urgency and willingness shown by most Member States and the EU Institutions to **seriously** address the issues raised in the resolution and to carry out the concrete recommendations therein, as well as by the lack of transparency towards and dialogue with the European Parliament;

Amendment

2. Is however highly disappointed by the overall lack of sense of urgency and willingness shown by most Member States' **governments** and the EU Institutions to address the issues raised in the resolution and to carry out the concrete recommendations therein, as well as by the lack of transparency towards and dialogue with the European Parliament;

Or. en

Amendment 17

Jan Philipp Albrecht, Jean Lambert, Eva Joly

Draft motion for a resolution

Paragraph 2 a (new)

Draft motion for a resolution

Amendment

2a. Welcomes the Independent Reviewer of Terrorism Legislation's call for a fundamental overhaul of the laws governing surveillance by UK authorities as regards the need for it to comply with International human rights standards, in particular through prior judicial authorisation of all interception warrants and some communications data requests; however rejects the continued bulk external interception as well as bulk collection of communications data as incompatible with the standards of the European Convention on Human Rights and European Union data protection legislation;

Or. en

Amendment 18

Cornelia Ernst, Marie-Christine Vergiat, Barbara Spinelli

Draft motion for a resolution
Paragraph 2 a (new)

Draft motion for a resolution

Amendment

2a. Is concerned by recent developments in some Member States where practices of mass surveillance that were found to be illegal have not been remedied but legalised;

Or. en

Amendment 19
Axel Voss

Draft motion for a resolution
Paragraph 2 a (new)

Draft motion for a resolution

Amendment

2a. Observes that most of the Member States and the EU Institutions deemed it no necessary to follow up the recommendations raised in the resolution and to carry out the concrete recommendations therein;

Or. en

Amendment 20
Jan Philipp Albrecht, Judith Sargentini, Eva Joly

Draft motion for a resolution
Paragraph 2 b (new)

Draft motion for a resolution

Amendment

2b. Welcomes the inquiry in the German Bundestag on mass surveillance; is strongly concerned about the revelations of mass surveillance of telecommunications and internet traffic inside the Union by the German foreign intelligence agency BND in cooperation

with then NSA; considers this a breach of the principle of sincere cooperation under Article 4(3) TEU;

Or. en

Amendment 21

Cornelia Ernst, Marie-Christine Vergiat, Barbara Spinelli

Draft motion for a resolution

Paragraph 2 b (new)

Draft motion for a resolution

Amendment

2b. Is concerned by recent laws in some Member States that extend surveillance powers of intelligence bodies without extending powers of scrutiny, thereby aggravating the situation for citizen;

Or. en

Amendment 22

Jan Philipp Albrecht, Judith Sargentini, Eva Joly

Draft motion for a resolution

Paragraph 2 c (new)

Draft motion for a resolution

Amendment

2c. Takes note of the fact that one of the biggest internet exchange points (AMS-IX) is located in the Netherlands and that a lot of economic activity is dependent on the trust private parties have in the integrity of this internet exchange and therefore reiterates its call to the Netherlands to refrain from extending the powers of the intelligence services in such a way as to enable untargeted and large-scale surveillance on cable-bound communications of innocent citizens; also reiterates its call for caution in defining the mandate and capabilities of the Joint Sigint Cyber Unit, as well as for caution

*regarding the presence and operation of
US intelligence personnel on Dutch
territory;*

Or. en

Amendment 23
Jan Philipp Albrecht, Judith Sargentini, Eva Joly

Draft motion for a resolution
Paragraph 2 d (new)

Draft motion for a resolution

Amendment

*2d. Expresses its concerns about the new
French Intelligence Bill approved on
June 24 2015, in particular the blanket
nature of the surveillance measures it
enables, and the lack of adequate prior
judicial authorisation and parliamentary
scrutiny, including the limited power of
the Commission Nationale de Controle
des Techniques de Renseignement;*

Or. en

Amendment 24
Jan Philipp Albrecht, Judith Sargentini, Eva Joly

Draft motion for a resolution
Paragraph 2 e (new)

Draft motion for a resolution

Amendment

*2e. Calls on the Commission to investigate
the compatibility of the French
Intelligence Bill with the Treaties and the
Charter on Fundamental Rights, notably
articles 7, 8, 47, 48 and 52;*

Or. en

Amendment 25

Axel Voss, Brice Hortefeux, Michal Boni, Monica Macovei, Anna Maria Corazza Bildt, Traian Ungureanu, Heinz K. Becker, Artis Pabriks

**Draft motion for a resolution
Paragraph 3**

Draft motion for a resolution

Amendment

3. Considers the Commission's reaction to the resolution so far highly inadequate given the extent of the revelations; calls on the Commission to act on the calls made in the resolution by December 2015 at the latest; reserves the right to bring an action for the failure to act or to place certain budgetary resources for the Commission in a reserve until all recommendations have been properly addressed; *deleted*

Or. en

Amendment 26

Timothy Kirkhope

**Draft motion for a resolution
Paragraph 3**

Draft motion for a resolution

Amendment

3. Considers the Commission's reaction to the resolution so far highly inadequate given the extent of the revelations; calls on the Commission to act on the calls made in the resolution by December 2015 at the latest; reserves the right to bring an action for the failure to act or to place certain budgetary resources for the Commission in a reserve until all recommendations have been properly addressed; *deleted*

Or. en

Amendment 27

Jeroen Lenaers

Draft motion for a resolution

Paragraph 3 a (new)

Draft motion for a resolution

Amendment

3a. Deplores that the previous request to the Secretary-General of the Council of Europe to launch the Article 52 procedure has not been followed-up. Therefore, reiterates the request to start the Article 52 procedure according to which 'on receipt of a request from the Secretary-General of the Council of Europe any High Contracting Party shall furnish an explanation of the manner in which its internal law ensures the effective implementation of any of the provisions of the Convention';

Or. en

Amendment 28

Sophia in 't Veld

Draft motion for a resolution

Paragraph 3 a (new)

Draft motion for a resolution

Amendment

3a. Stresses the significance of the ruling of the Court of Justice of the European Union of 8 April 2014 declaring invalid Directive 2006/24/EC on Data Retention, recalls that the Court stipulated that the interference of the instrument with the fundamental right to privacy has to be limited to what is strictly necessary;

Or. en

Amendment 29

Nathalie Griesbeck, Sophia in 't Veld

Draft motion for a resolution
Paragraph 3 a (new)

Draft motion for a resolution

Amendment

3a. Expresses its serious concerns with regard to the intelligence bill adopted by the French National Assembly on 24 June 2015, several provisions of which, according to the Commission, raise important legal questions; questions in particular the very broad scope of application of this new law, the absence of the ordinary courts in prior judicial authorisation procedures and the possibility of the automated processing of metadata by algorithmic black boxes installed on telecom operators' networks (internet or telephone) or the hosts' servers; asks the Commission to launch without delay an assessment of all provisions of the intelligence bill and to determine its compliance with European primary and secondary law;

Or. fr

Amendment 30
Sophia in 't Veld

Draft motion for a resolution
Paragraph 3 b (new)

Draft motion for a resolution

Amendment

3b. Deplores the adoption by the UK of the Data Retention and Investigatory Powers Act 2014, which allows intelligence and security services not only to continue with bulk data retention mechanisms after the ruling of the Court of Justice of the European Union declared invalid Directive 2006/24/EC, but also extends the territorial reach of its interception powers; in this regard

welcomes the report by the UK Independent Reviewer of Terrorism Legislation which calls for a complete overhaul of the UK's surveillance laws, judicial oversight of the interception of private communications, and greater transparency about the existence and use of surveillance powers; calls on the UK government to take the report's recommendations into account;

Or. en

Amendment 31
Sophia in 't Veld

Draft motion for a resolution
Paragraph 3 c (new)

Draft motion for a resolution

Amendment

3c. Underlines that the Dutch District Court of The Hague has ruled on 2 July 2015 that surveillance of lawyers by intelligence agencies constitutes an infringement of fundamental rights and orders the State to stop all surveillance of lawyers' communications;

Or. en

Amendment 32
Sophia in 't Veld

Draft motion for a resolution
Paragraph 3 d (new)

Draft motion for a resolution

Amendment

3d. Underlines that the Dutch District Court of The Hague has ruled on 1 July 2015 that surveillance of lawyers by intelligence agencies constitutes an infringement of fundamental rights and orders the State to stop all surveillance of

Amendment 33

Axel Voss, Artis Pabriks, Brice Hortefeux, Heinz K. Becker

Draft motion for a resolution

Paragraph 4

Draft motion for a resolution

Amendment

4. Repeats its calls on the Council to accelerate its work on the Data Protection Package to allow for its adoption in 2015; in this regard calls on the Council to present a clear roadmap towards the adoption of a general approach on the draft Data Protection Directive;

deleted

Amendment 34

Jan Philipp Albrecht, Judith Sargentini, Eva Joly

Draft motion for a resolution

Paragraph 4

Draft motion for a resolution

Amendment

4. Repeats its calls on the Council to accelerate its work on the Data Protection Package to allow for its adoption in 2015; in this regard calls on the Council to ***present a clear roadmap towards the adoption of*** a general approach on the draft Data Protection Directive;

4. Welcomes the opening of informal trilogues on the draft General Data Protection Regulation; repeats its calls on the Council to accelerate its work on the Data Protection Package to allow for its adoption in 2015; in this regard calls on the Council to ***immediately adopt*** a general approach on the draft Data Protection Directive;

Amendment 35

Helga Stevens

Draft motion for a resolution

Paragraph 4

Draft motion for a resolution

4. Repeats its calls on the Council to accelerate its work on the Data Protection **Package** to allow for its adoption in 2015; in this regard calls on the Council to present a clear roadmap towards the adoption of a general approach on the draft Data Protection Directive;

Amendment

4. Repeats its calls on the Council to accelerate its work on the Data Protection **Directive** to allow for its adoption in 2015; in this regard calls on the Council to present a clear roadmap towards the adoption of a general approach on the draft Data Protection Directive;

Or. en

Amendment 36

Axel Voss

Draft motion for a resolution

Paragraph 4 a (new)

Draft motion for a resolution

4a. Reminds that the Council adopted the general approach on the general Data Protection Regulation and welcomes the Council commitment into a roadmap to reach an agreement on the Data Protection Directive;

Amendment

Or. en

Amendment 37

Aldo Patriciello

Draft motion for a resolution

Paragraph 5

Draft motion for a resolution

5. Reminds the Council of its commitment to respect the EU Charter on Fundamental

Amendment

5. Reminds the Council of its commitment to respect the EU Charter on Fundamental

Rights in its amendments to the Commission proposals; reiterates in particular that the level of protection offered should not be lower than that already established by Directive 95/46/EC;

Rights in its amendments to the Commission proposals; reiterates in particular that the level of protection offered should not be lower than that already established by Directive 95/46/EC, ***and that, indeed, it would desirable to actually increase the level of protection, also taking account in this directive of the activities of cross-border public security services;***

Or. it

Amendment 38
Axel Voss

Draft motion for a resolution
Paragraph 5

Draft motion for a resolution

5. Reminds ***the Council of its commitment to respect*** the EU Charter on Fundamental Rights ***in its amendments to the Commission proposals; reiterates in particular that the level of protection offered should not be lower than that already established by Directive 95/46/EC;***

Amendment

5. Reminds ***that the respect of*** the EU Charter on Fundamental Rights ***should be ensured when adopting the Data Protection Package;***

Or. en

Amendment 39
Axel Voss, Brice Hortefeux, Artis Pabriks, Milan Zver, Heinz K. Becker

Draft motion for a resolution
Paragraph 6

Draft motion for a resolution

6. Stresses that both the Data Protection Regulation and the Directive are necessary to protect the fundamental rights of individuals, and that the two must therefore be treated as a package ***to be adopted simultaneously***, in order to ensure that all

Amendment

6. Stresses that both the Data Protection Regulation and the Directive are necessary to protect the fundamental rights of individuals, and that the two must therefore be treated as a package, in order to ensure that all data-processing activities in the EU

data-processing activities in the EU provide a high level of protection in all circumstances; underlines that the objective of strengthening the rights and protections of individuals with regard to the processing of their personal data must be met when adopting the package;

provide a high level of protection in all circumstances; underlines that the objective of strengthening the rights and protections of individuals with regard to the processing of their personal data must be met when adopting the package;

Or. en

Amendment 40
Timothy Kirkhope

Draft motion for a resolution
Paragraph 6

Draft motion for a resolution

6. Stresses that both the Data Protection Regulation and the Directive are necessary to protect the fundamental rights of individuals, ***and that the two must therefore be treated as a package to be adopted simultaneously***, in order to ensure that all data-processing activities in the EU provide a high level of protection in all circumstances; underlines that the objective of strengthening the rights and protections of individuals with regard to the processing of their personal data must be met when adopting the package;

Amendment

6. Stresses that both the Data Protection Regulation and the Directive are necessary to protect the fundamental rights of individuals, in order to ensure that all data-processing activities in the EU provide a high level of protection in all circumstances; underlines that the objective of strengthening the rights and protections of individuals with regard to the processing of their personal data must be met when adopting the package;

Or. en

Amendment 41
Claude Moraes

Draft motion for a resolution
Paragraph 7

Draft motion for a resolution

7. Notes that since the adoption of the resolution, several rounds of negotiations have taken place with the US with a view

Amendment

7. Notes that since the adoption of the resolution, several rounds of negotiations have taken place with the US with a view

to agreeing on the EU-US framework agreement on the protection of personal data when transferred and processed for law enforcement purposes ('Umbrella agreement');

to agreeing on the EU-US framework agreement on the protection of personal data when transferred and processed for law enforcement purposes ('Umbrella agreement'); *notes the current nature of the draft agreement as an "executive agreement" for the US which would bind only those departments and branches of the US federal administration taking part to the agreement while for the EU-side the EU and all the Member States at all levels would be bound; calls therefore for the agreement be concluded and ratified by the US Congress (legislative agreement) to ensure that EU individuals whose personal data are transferred to the US in the framework of law enforcement cooperation are provided with the necessary protections, rights and safeguards also when their personal data are further transferred to domestic authorities at state level;*

Or. en

Amendment 42

Cornelia Ernst, Marie-Christine Vergiat, Barbara Spinelli

Draft motion for a resolution

Paragraph 7 a (new)

Draft motion for a resolution

Amendment

7a. Denounces the secrecy in which the negotiations on the EU-US umbrella agreement are conducted;

Or. en

Amendment 43

Axel Voss

Draft motion for a resolution

Paragraph 8

Draft motion for a resolution

8. Welcomes the efforts by the US administration to rebuild trust with the introduction of the Judicial Redress Act of 2015 into Congress; considers ensuring the same rights of effective judicial redress for EU citizens / **individuals** whose personal data are processed in the EU and transferred to the US without any discrimination between EU and US citizens **in all the same circumstances** to be of paramount importance; calls on Congress to pass such legislation;

Amendment

8. Welcomes the efforts by the US administration to rebuild trust with the introduction of the Judicial Redress Act of 2015 into Congress; considers ensuring the same rights of effective judicial redress for EU citizens whose personal data are processed in the EU and transferred to the US without any discrimination between EU and US citizens to be of paramount importance; calls on Congress to pass such legislation;

Or. en

Amendment 44

Jan Philipp Albrecht, Judith Sargentini, Eva Joly, Jean Lambert

**Draft motion for a resolution
Paragraph 8 a (new)**

Draft motion for a resolution

8a. Reiterates that the consent by the European Parliament to the final TTIP agreement is endangered without a prior adequate solution for data privacy rights of EU citizens, including administrative and judicial redress; underlines that the European Parliament will only consent to the final TTIP agreement provided the agreement fully respects, among other, fundamental rights recognised by the EU Charter, and that the protection of the privacy of individuals in relation to the processing and dissemination of personal data shall remain governed by Article IV of the GATS; stresses that EU data protection legislation cannot be deemed an "arbitrary or unjustifiable discrimination" in the application of Article XIV of the GATS;

Amendment

Or. en

Amendment 45
Jan Philipp Albrecht, Eva Joly

Draft motion for a resolution
Paragraph 8 b (new)

Draft motion for a resolution

Amendment

8b. Calls for the suspension of TTIP negotiations until US espionage on French industry has been brought to a halt;

Or. en

Amendment 46
Anna Maria Corazza Bildt, Axel Voss, Monica Macovei, Brice Hortefeux

Draft motion for a resolution
Paragraph 9

Draft motion for a resolution

Amendment

9. Recalls that the resolution calls for the immediate suspension of the Safe Harbour Decision as it does not provide adequate protection of personal data for EU citizens;

deleted

Or. en

Amendment 47
Axel Voss, Brice Hortefeux, Michał Boni, Anna Maria Corazza Bildt, Traian Ungureanu, Alessandra Mussolini, Heinz K. Becker

Draft motion for a resolution
Paragraph 9

Draft motion for a resolution

Amendment

9. Recalls that the resolution calls for the immediate suspension of the Safe Harbour Decision **as it does not provide adequate**

9. Recalls that the resolution calls for the immediate suspension of the Safe Harbour Decision, **if the Commission should not be**

protection of personal data for EU citizens;

successful in stepping up the Safe Harbour decision by providing strong added value for EU citizens;

Or. en

Amendment 48
Timothy Kirkhope

Draft motion for a resolution
Paragraph 9

Draft motion for a resolution

Amendment

9. Recalls that the resolution calls for the immediate suspension of the Safe Harbour Decision as it does not provide adequate protection of personal data for EU citizens;

9. Recalls that the resolution calls for the immediate suspension of the Safe Harbour Decision as it does not provide adequate protection of personal data for EU citizens; ***however, notes that this would create a vacuum of protection and regulation of the transfer of data between the EU and the US;***

Or. en

Amendment 49
Axel Voss, Brice Hortefeux, Michal Boni, Anna Maria Corazza Bildt, Traian Ungureanu, Milan Zver, Heinz K. Becker, Alessandra Mussolini

Draft motion for a resolution
Paragraph 9 a (new)

Draft motion for a resolution

Amendment

9a. The Safe Harbour decision dating 26/07/00, needed to be revised and in this regard welcomes the intended improvements proposed by the Commission;

Or. en

Amendment 50

Axel Voss, Brice Hortefeux, Michal Boni, Anna Maria Corazza Bildt, Traian Ungureanu, Milan Zver, Heinz K. Becker, Alessandra Mussolini

**Draft motion for a resolution
Paragraph 9 b (new)**

Draft motion for a resolution

Amendment

9b. Encourages the Commission to further purpose its efforts in providing a clear added value for EU citizens by guarantying the same level of protection for EU citizens that Americans enjoy in the US and a level playing field for EU companies, notes that in this regard alternative solutions such as the market location principle should be taken into consideration;

Or. en

Amendment 51

Axel Voss

**Draft motion for a resolution
Paragraph 11**

Draft motion for a resolution

Amendment

11. Objects to the fact that the Parliament has not received any formal Communication from the Commission regarding the state of implementation of the 13 recommendations despite the Commission's announcement to do so by summer 2014; expects the Commission to do so without any further delay;

11. Welcomes the regular feedback from the Commission asks however for more formal Communication from the Commission regarding the state of implementation of the 13 recommendations;

Or. en

Amendment 52

Timothy Kirkhope

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Draft motion for a resolution
Paragraph 12

Draft motion for a resolution

Amendment

12. In the absence of any proper follow-up to the 13 recommendations thus far remains highly sceptical as to the adequate protection of personal data under the Safe Harbour arrangement and maintains its position that the Safe Harbour be suspended because of its lack of adequacy level of protection;

deleted

Or. en

Amendment 53

Anna Maria Corazza Bildt, Axel Voss, Monica Macovei, Brice Hortefeux, Alessandra Mussolini

Draft motion for a resolution
Paragraph 12

Draft motion for a resolution

Amendment

12. In the absence of any proper follow-up to the 13 recommendations thus far remains highly sceptical as to the adequate protection of personal data under the Safe Harbour arrangement and ***maintains its position*** that the Safe Harbour be suspended ***because of its lack of*** adequacy level of protection;

12. In the absence of any proper follow-up to the 13 recommendations thus far remains highly sceptical as to the adequate protection of personal data under the Safe Harbour arrangement and ***considers*** that the Safe Harbour ***could*** be suspended ***if no progress is made in the negotiations with the Commission and the US to ensure*** adequacy level of protection;

Or. en

Amendment 54

Axel Voss, Brice Hortefeux, Michał Boni, Traian Ungureanu, Heinz K. Becker

Draft motion for a resolution
Paragraph 12

Draft motion for a resolution

12. In the absence of any proper follow-up to the 13 recommendations thus far remains highly sceptical as to the adequate protection of personal data under the Safe Harbour arrangement and maintains its position that the Safe Harbour *be suspended because of its lack of* adequacy level of protection;

Amendment

12. In the absence of any proper follow-up to the 13 recommendations thus far remains highly sceptical as to the adequate protection of personal data under the Safe Harbour arrangement and maintains its position that the *suspension of the* Safe Harbour *Decision might be an option if no progress is made in the EU-US negotiation to ensure* adequacy level of protection;

Or. en

Amendment 55

Axel Voss, Brice Hortefeux, Artis Pabriks, Traian Ungureanu

Draft motion for a resolution

Paragraph 14

Draft motion for a resolution

14. Calls for all national parliaments which have not yet done so to install meaningful oversight of intelligence activities and to ensure that such oversight committees/bodies have sufficient resources, technical expertise and legal means to be able to effectively control intelligence services;

Amendment

deleted

Or. en

Amendment 56

Anna Maria Corazza Bildt, Monica Macovei, Brice Hortefeux

Draft motion for a resolution

Paragraph 14

Draft motion for a resolution

14. Calls for all national parliaments which have not yet done so to install meaningful

Amendment

14. Calls for all national parliaments which have not yet done so to install meaningful

oversight of intelligence activities and to ensure that such oversight committees/bodies have sufficient resources, technical expertise and legal means to be able to effectively **control** intelligence services;

oversight of intelligence activities and to ensure that such oversight committees/bodies have sufficient resources, technical expertise and legal means to be able to effectively **oversight** intelligence services;

Or. en

Amendment 57

Cornelia Ernst, Marie-Christine Vergiat, Barbara Spinelli

Draft motion for a resolution

Paragraph 14

Draft motion for a resolution

14. Calls for all national parliaments which have not yet done so to install meaningful oversight of intelligence activities and to ensure that such oversight committees/bodies have sufficient resources, technical expertise **and legal means** to be able to effectively control intelligence services;

Amendment

14. Calls for all national parliaments which have not yet done so to install meaningful oversight of intelligence activities and to ensure that such oversight committees/bodies have sufficient resources, technical expertise, **legal means and unfettered access to relevant documents** to be able to effectively control intelligence services;

Or. en

Amendment 58

Ana Gomes

Draft motion for a resolution

Paragraph 14

Draft motion for a resolution

14. Calls for all national parliaments which have not yet done so to install meaningful oversight of intelligence activities and to ensure that such oversight committees/bodies have sufficient resources, technical expertise and legal means to be able to effectively control intelligence services;

Amendment

14. Calls for all national parliaments which have not yet done so to install meaningful oversight of intelligence activities and to ensure that such oversight committees/bodies have sufficient resources, technical expertise and legal means to be able to effectively control intelligence services; **decides that the**

European Parliament will further articulate with national parliaments to ensure that effective oversight mechanisms are in place and operating;

Or. en

Amendment 59
Timothy Kirkhope

Draft motion for a resolution
Paragraph 14

Draft motion for a resolution

14. Calls for all national parliaments which have not yet done so to install meaningful oversight of intelligence activities and to ensure that such oversight committees/bodies have sufficient resources, technical expertise and legal means to be able to effectively *control* intelligence services;

Amendment

14. Calls for all national parliaments which have not yet done so to install meaningful oversight of intelligence activities and to ensure that such oversight committees/bodies have sufficient resources, technical expertise and legal means to be able to effectively, *independently and democratically scrutinise the work of* intelligence services;

Or. en

Amendment 60
Axel Voss

Draft motion for a resolution
Paragraph 14 a (new)

Draft motion for a resolution

14a. Recalls that national parliaments have full competence in the oversight of intelligence activities and intelligence services;

Or. en

Amendment 61
Cornelia Ernst, Marie-Christine Vergiat, Barbara Spinelli

Draft motion for a resolution
Paragraph 14 a (new)

Draft motion for a resolution

Amendment

14a. Calls on the Member States to thoroughly evaluate the effectiveness of their systems of oversight of intelligence bodies and consequently improve these systems;

Or. en

Amendment 62
Sophia in 't Veld

Draft motion for a resolution
Paragraph 14 a (new)

Draft motion for a resolution

Amendment

14a. Calls for Member States to establish proper judicial and democratic oversight mechanisms for cooperation and information exchange between intelligence services within the EU and with third countries;

Or. en

Amendment 63
Timothy Kirkhope

Draft motion for a resolution
Paragraph 15

Draft motion for a resolution

Amendment

15. Will follow-up the conference on the Democratic oversight of Intelligence services in the European Union of 28/29 May 2015 and continue its efforts aimed

deleted

at ensuring the sharing of best practices on intelligence oversight, in close coordination with national parliaments to ensure effective oversight mechanisms are in place;

Or. en

Amendment 64
Helga Stevens

Draft motion for a resolution
Paragraph 15

Draft motion for a resolution

15. Will follow-up the conference on the Democratic oversight of Intelligence services in the European Union of 28/29 May 2015 and continue its efforts aimed at ensuring the sharing of best practices on intelligence oversight, in close coordination with national parliaments to ensure effective oversight mechanisms are in place;

Amendment

15. Will **further** follow-up the conference on the Democratic oversight of Intelligence services in the European Union of 28/29 May 2015 and continue its efforts aimed at ensuring the sharing of best practices on intelligence oversight, in close coordination with national parliaments to ensure effective oversight mechanisms are in place;

Or. en

Amendment 65
Axel Voss

Draft motion for a resolution
Paragraph 15

Draft motion for a resolution

15. Will follow-up the conference on the Democratic oversight of Intelligence services in the European Union of 28/29 May 2015 and continue its efforts aimed at ensuring the sharing of **best** practices on intelligence oversight, in close coordination with national parliaments **to ensure effective oversight mechanisms are in place;**

Amendment

15. Will follow-up the conference on the Democratic oversight of Intelligence services in the European Union of 28/29 May 2015 and continue its efforts aimed at ensuring the sharing of **good** practices on intelligence oversight, in close coordination with national parliaments;

Amendment 66
Claude Moraes, Birgit Sippel

Draft motion for a resolution
Paragraph 15

Draft motion for a resolution

15. Will follow-up the conference on the Democratic oversight of Intelligence services in the European Union of 28/29 May 2015 and continue its efforts aimed at ensuring the sharing of best practices on intelligence oversight, in close coordination with national parliaments to ensure effective oversight mechanisms are in place;

Amendment

15. Will follow-up the conference on the Democratic oversight of Intelligence services in the European Union of 28/29 May 2015 and continue its efforts aimed at ensuring the sharing of best practices on intelligence oversight, in close coordination with national parliaments to ensure effective oversight mechanisms are in place; **welcomes the joint concluding remarks of the Co-Chairs of this conference declaring their intention to convene a follow-up conference in two years' time;**

Amendment 67
Aldo Patriciello

Draft motion for a resolution
Paragraph 15 a (new)

Draft motion for a resolution

Amendment

15a. Reiterates that such provisions should be placed in the context of the ongoing fight against terrorism, since this drives and will increasingly drive national governments to take timely measures to increase the funds allocated to intelligence services; particularly welcome, therefore, would be the development of a practice whereby funds are increased at the same time for those who are competent for supervising such

services, either ex ante before an intelligence activity begins or ex post with regard to the ways in which an operation is carried out;

Or. it

Amendment 68

Cornelia Ernst, Marie-Christine Vergiat, Barbara Spinelli

Draft motion for a resolution

Paragraph 15 a (new)

Draft motion for a resolution

Amendment

15a. Considers that meaningful parliamentary oversight is urgently required for Europol given that Europol is increasingly becoming Europe's biggest personal data hub, and its mandate blurs the line between law enforcement data and intelligence data even further;

Or. en

Amendment 69

Claude Moraes

Draft motion for a resolution

Paragraph 15 a (new)

Draft motion for a resolution

Amendment

15a. Considers that the existing tools of cooperation among oversight bodies, for instance the European Network of National Intelligence Reviewers (ENNIR), should be supported and their use be increased, possibly by making use of the potential of IPEX for the exchange of information between National Parliaments, in compliance with its scope and technical capacity;

Or. en

Amendment 70
Sophia in 't Veld

Draft motion for a resolution
Paragraph 15 a (new)

Draft motion for a resolution

Amendment

15a. Stresses that a common definition of 'national security' is needed for the EU and its Member States to ensure legal certainty; notes that the lack of a clear definition allows for arbitrariness and abuses of fundamental rights and rule of law by executive and intelligence communities in the EU;

Or. en

Amendment 71
Sophia in 't Veld

Draft motion for a resolution
Paragraph 15 b (new)

Draft motion for a resolution

Amendment

15b. Encourages the Commission and Member States to introduce sunset and extension provisions in legislation that allows for the collection of personal data or the surveillance of European citizens; stresses that sunset and extension provisions are essential safeguards for ensuring that an instrument which is invasive for privacy is regularly scrutinised on its necessity and proportionality in a democratic society;

Or. en

Amendment 72
Sophia in 't Veld

Draft motion for a resolution
Paragraph 15 c (new)

Draft motion for a resolution

Amendment

15c. Calls on the Member States to be transparent about their requests for information filed with private companies and organisations;

Or. en

Amendment 73
Ana Gomes

Draft motion for a resolution
Paragraph 16

Draft motion for a resolution

Amendment

16. Stresses that a healthy EU-US relationship remains absolutely vital for both partners; notes that revelations about surveillance have undermined public support for the relationship and that measures need to be taken to ensure that trust is rebuilt, in particular in the light of the urgent current need for cooperation on a large number of geopolitical issues of common concern; emphasises in this context that a negotiated solution between the US and the EU as a whole, respecting fundamental rights, needs to be found.

16. Stresses that a healthy EU-US relationship remains absolutely vital for both partners; notes that revelations about surveillance have undermined public support for the relationship and that measures need to be taken to ensure that trust is rebuilt, in particular in the light of the urgent current need for cooperation on a large number of geopolitical issues of common concern, ***including the current negotiations on TTIP***; emphasises in this context that a negotiated solution between the US and the EU as a whole, respecting fundamental rights, needs to be found.

Or. en

Amendment 74
Timothy Kirkhope

Draft motion for a resolution
Paragraph 16

Draft motion for a resolution

16. Stresses that **a healthy** EU-US relationship remains absolutely vital for both partners; **notes that revelations about surveillance have undermined public support for the relationship and that measures need to be taken to ensure that trust is rebuilt, in particular in the light of the urgent current need for cooperation on a large number of geopolitical issues of common concern; emphasises in this context that a negotiated solution between the US and the EU as a whole, respecting fundamental rights, needs to be found.**

Amendment

16. Stresses that **the** EU-US relationship remains absolutely vital for both partners **in the fight against terrorism and serious criminality, and in building a thriving economic and trade relationship, calls for urgent** cooperation on a large number of geopolitical issues of common concern **and interest; notes that this relationship should be built on trust and cooperation;**

Or. en

Amendment 75
Claude Moraes

Draft motion for a resolution
Paragraph 16 a (new)

Draft motion for a resolution

Amendment 76
Monika Hohlmeier

Draft motion for a resolution
Paragraph 16 a (new)

Amendment

16a. Considers that any decision to use surveillance technology should be based on a thorough assessment of necessity and proportionality; welcomes the results of the SURVEILLE research project which offers a methodology for assessing surveillance technologies taking legal, ethical and technological considerations into account;

Or. en

Draft motion for a resolution

Amendment

16a. Welcomes the set of legislative and non-legislative reforms on surveillance put forward by the US Congress and government since 2013, and in particular the adoption by the Senate on 2nd June of the USA freedom act without any amendments as the result of bicameral and bipartisan compromise;

Or. en

Amendment 77
Claude Moraes, Birgit Sippel

Draft motion for a resolution
Paragraph 16 b (new)

Draft motion for a resolution

Amendment

16b. Welcomes the recent legislative and judicial decisions taken in the US to limit mass surveillance by the NSA, such as the adoption of the USA FREEDOM Act and the ruling of the Second Circuit Court of Appeals on the NSA's telephone record collection program, but regrets that these decisions focus mainly on US-persons while the situation of EU citizens remains the same;

Or. en

Amendment 78
Claude Moraes

Draft motion for a resolution
Paragraph 16 c (new)

Draft motion for a resolution

Amendment

16c. Welcomes the EU-US Riga Statement of 3 June 2015 on enhancing

transatlantic cooperation in the area of Justice, Freedom and Security in which signatories committed to enhance the implementation of the US-EU Mutual Legal Assistance Agreement (MLAT), conclude its review as foreseen by the Agreement and conduct workshops to discuss such issues with national competent authorities; in this regard calls on the EU Member States and the US government to adhere to the above mentioned commitments for a swift conclusion of the US-EU MLAT review;

Or. en

Amendment 79
Timothy Kirkhope

Draft motion for a resolution
Paragraph 17

Draft motion for a resolution

Amendment

17. Emphasises that the EU should contribute to the development of international standards/principles, at UN level, in line with the UN International Covenant on Civil and Political Rights, in order to create a global framework for data protection, including specific limitations with regard to collection for national security purposes;

deleted

Or. en

Amendment 80
Axel Voss, Brice Hortefeux, Artis Pabriks, Traian Ungureanu, Heinz K. Becker

Draft motion for a resolution
Paragraph 17

Draft motion for a resolution

Amendment

17. Emphasises that the EU should

17. Emphasises that the EU should

contribute to the development of international standards/principles, at UN level, in line with the UN International Covenant on Civil and Political Rights, in order to create a global framework for data protection, *including specific limitations with regard to collection for national security purposes*;

contribute to the development of international standards/principles, at UN level, in line with the UN International Covenant on Civil and Political Rights, in order to create a global framework for data protection;

Or. en

Amendment 81

Axel Voss, Brice Hortefeux, Traian Ungureanu, Heinz K. Becker

Draft motion for a resolution

Paragraph 18

Draft motion for a resolution

Amendment

18. Is convinced that only if credible norms are established at the global level, a surveillance arms race can be avoided;

deleted

Or. en

Amendment 82

Timothy Kirkhope

Draft motion for a resolution

Paragraph 18

Draft motion for a resolution

Amendment

18. Is convinced that only if credible norms are established at the global level, a surveillance arms race can be avoided;

deleted

Or. en

Amendment 83

Cornelia Ernst, Marie-Christine Vergiat, Barbara Spinelli

Draft motion for a resolution
Paragraph 18

Draft motion for a resolution

18. Is convinced that only if credible norms are established at the global level, a surveillance arms race can be ***avoided***;

Amendment

18. Is convinced that only if credible norms are established at the global level, a surveillance arms race can be ***stopped***;

Or. en

Amendment 84
Claude Moraes, Birgit Sippel

Draft motion for a resolution
Paragraph 18 a (new)

Draft motion for a resolution

Amendment

18a. Requests European Parliament President to call on the Secretary-General of the Council of Europe to launch the Article 52 procedure according to which 'on receipt of a request from the Secretary-General of the Council of Europe any High Contracting Party shall furnish an explanation of the manner in which its internal law ensures the effective implementation of any of the provisions of the Convention;

Or. en

Amendment 85
Helga Stevens

Draft motion for a resolution
Paragraph 19

Draft motion for a resolution

19. ***Welcomes*** initiatives by IT companies to increase privacy tools for their clients including increased use of encryption in consumer technology; notes that various

Amendment

19. ***Takes note of the*** initiatives by IT companies to increase privacy tools for their clients including increased use of encryption in consumer technology; notes

companies have *also* announced plans to enable end-to-end encryption in response to mass surveillance revelations;

also that various companies have announced plans to enable end-to-end encryption in response to mass surveillance revelations; ***Understands the market-driven demand to provide for these solutions in light of the revelations. Remarks however that criminals, just like innocent people, will consequently have these tools at their disposal.***

Or. en

Amendment 86
Sophia in 't Veld

Draft motion for a resolution
Paragraph 19

Draft motion for a resolution

19. Welcomes initiatives by IT companies to increase privacy tools for their clients including increased use of encryption in consumer technology; notes that various companies have also announced plans to enable end-to-end encryption in response to mass surveillance revelations;

Amendment

19. Welcomes initiatives by IT companies to increase privacy tools for their clients including increased use of encryption in consumer technology; notes that various companies have also announced plans to enable end-to-end encryption in response to mass surveillance revelations; ***underlines the right to protect and encrypt communications; considers that a ban on encryption, in-built "backdoors", mechanisms giving the authorities access to all encryption keys, or other mechanisms undermining the right of citizens to protect their communications, is contrary to the fundamental right to privacy and data protection;***

Or. en

Amendment 87
Claude Moraes, Birgit Sippel

Draft motion for a resolution
Paragraph 19

Draft motion for a resolution

19. Welcomes initiatives *by IT companies to increase privacy tools for their clients including increased use of encryption in consumer technology; notes that various companies have also announced plans to enable end-to-end encryption in response to mass surveillance revelations;*

Amendment

19. Welcomes initiatives *of the private ICT sector to develop cryptographic security solutions and Internet services improving privacy. Encourages the continued development of user-friendly application settings helping customers managing what information to share with whom and how;*

Or. en

Amendment 88
Timothy Kirkhope

Draft motion for a resolution
Paragraph 19

Draft motion for a resolution

19. Welcomes initiatives by IT companies to increase privacy tools for their clients including increased use of encryption in consumer technology; *notes that various companies have also announced plans to enable end-to-end encryption in response to mass surveillance revelations;*

Amendment

19. Welcomes initiatives by IT companies to increase privacy tools for their clients including increased use of encryption in consumer technology;

Or. en

Amendment 89
Nathalie Griesbeck, Sophia in 't Veld

Draft motion for a resolution
Paragraph 19 a (new)

Draft motion for a resolution

19a. Reiterates that, in accordance with Article 15(1) of Directive 2000/31/EC, Member States shall not impose a general obligation on providers of transmission, storage and hosting services to monitor

Amendment

the information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity; reiterates in particular that the Court of Justice of the European Union, in its Judgments C-360/10 and C-70/10, rejected measures for the ‘active monitoring’ of almost all users of the services concerned (internet access providers in one case, a social network in the other) and specified that any injunction requiring a hosting services provider to undertake general monitoring shall be precluded;

Or. fr

Amendment 90
Claude Moraes, Birgit Sippel

Draft motion for a resolution
Paragraph 19 a (new)

Draft motion for a resolution

Amendment

19a. Welcomes the publication of transparency reports by IT and telecommunications companies about government demands to users' data and applauds these kind of initiatives;

Or. en

Amendment 91
Axel Voss, Brice Hortefeux, Michał Boni, Traian Ungureanu, Heinz K. Becker

Draft motion for a resolution
Subheading 7

Draft motion for a resolution

Amendment

TFTP Agreement

deleted

Or. en

Amendment 92

Axel Voss, Brice Hortefeux, Michal Boni, Monica Macovei, Anna Maria Corazza Bildt, Traian Ungureanu, Heinz K. Becker

**Draft motion for a resolution
Paragraph 20**

Draft motion for a resolution

Amendment

20. Is disappointed that the Commission disregarded Parliament's clear call for the suspension of the TFTP agreement given no clear information was given to clarify whether SWIFT data would have been accessed outside TFTP by any other US Government body; intends to take this into account when considering giving consent to future international agreements; ***deleted***

Or. en

Amendment 93

Timothy Kirkhope

**Draft motion for a resolution
Paragraph 20**

Draft motion for a resolution

Amendment

20. Is disappointed that the Commission disregarded Parliament's clear call for the suspension of the TFTP agreement given no clear information was given to clarify whether SWIFT data would have been accessed outside TFTP by any other US Government body; intends to take this into account when considering giving consent to future international agreements; ***deleted***

Or. en

Amendment 94

Jan Philipp Albrecht, Judith Sargentini, Eva Joly

Draft motion for a resolution
Paragraph 20

Draft motion for a resolution

20. Is disappointed that the Commission disregarded Parliament's clear call for the suspension of the TFTP agreement given no clear information was given to clarify whether SWIFT data would have been accessed outside TFTP by any other US Government body; intends to take this into account when considering giving consent to future international agreements;

Amendment

20. Is disappointed that the Commission disregarded Parliament's clear call for the suspension of the TFTP agreement given no clear information was given to clarify whether SWIFT data would have been accessed outside TFTP by any other US Government body; intends to take this into account when considering giving consent to future international agreements ***and repeats its call on the Commission to immediately suspend Commission Decision 520/2000 which declared the adequacy of the Safe Harbour privacy principles;***

Or. en

Amendment 95
Axel Voss

Draft motion for a resolution
Paragraph 20 a (new)

Draft motion for a resolution

Amendment

20a. Takes the view that the information provided by the European Commission and the US Treasury clarify that there were no elements showing that the US Government has acted in a manner contrary to the provisions of the Agreement, and that the US has provided written assurance that no direct data collection has taken place contrary to the provisions of the TFTP Agreement;

Or. en

Amendment 96

Cornelia Ernst, Marie-Christine Vergiat, Barbara Spinelli

Draft motion for a resolution

Paragraph 20 a (new)

Draft motion for a resolution

Amendment

20a. Reiterates its call for the suspension of the TFTP agreement;

Or. en

Amendment 97

Anna Maria Corazza Bildt, Axel Voss, Monica Macovei, Brice Hortefeux

Draft motion for a resolution

Paragraph 21

Draft motion for a resolution

Amendment

21. Stresses its position that all agreements, mechanisms and adequacy decisions for exchanges *with* third countries involving personal data require rigorous **monitoring and immediate follow-up action** by the Commission as the guardian of the Treaty;

21. Stresses its position that all agreements, mechanisms and adequacy decisions for exchanges **between the EU and** third countries involving personal data require rigorous **assessment and monitoring** by the Commission as the guardian of the Treaty;

Or. en

Amendment 98

Sophia in 't Veld

Draft motion for a resolution

Paragraph 21 a (new)

Draft motion for a resolution

Amendment

21a. Stresses that Mutual Legal Assistance Treaties (MLATs) are the instrument on the basis of which law enforcement authorities of Member States should cooperate with authorities of third countries rather than on the assumption

of extraterritorial jurisdiction;

Or. en

Amendment 99

Axel Voss

Draft motion for a resolution

Paragraph 22

Draft motion for a resolution

Amendment

22. Calls on the Commission to report to Parliament by the end of 2015 on the gaps identified in different instruments used for international data transfers as regards access by law enforcement and intelligence services of third countries and on the means to address them to ensure the continuity of the required adequate protection of EU personal data transferred to third countries;

deleted

Or. en

Amendment 100

Axel Voss, Heinz K. Becker

Draft motion for a resolution

Subheading 9

Draft motion for a resolution

Amendment

Protection of the rule of law and the fundamental rights of EU citizens / enhanced protection for whistleblowers and journalists

deleted

Or. en

Amendment 101

Axel Voss, Heinz K. Becker

Draft motion for a resolution
Paragraph 23

Draft motion for a resolution

Amendment

23. Considers that EU citizens' fundamental rights remain in danger and that too little has been done to ensure their full protection in case of electronic mass surveillance; regrets the limited progress in ensuring the protection of whistleblowers and journalists;

deleted

Or. en

Amendment 102
Timothy Kirkhope

Draft motion for a resolution
Paragraph 23

Draft motion for a resolution

Amendment

23. Considers that EU citizens' fundamental rights remain in danger and that too little has been done to ensure their full protection in case of electronic mass surveillance; regrets the limited progress in ensuring the protection of whistleblowers and journalists;

deleted

Or. en

Amendment 103
Tomáš Zdechovský

Draft motion for a resolution
Paragraph 23

Draft motion for a resolution

Amendment

23. Considers that EU citizens' fundamental rights remain in danger and that too little has been done to ensure their full protection in case of electronic mass

23. Considers that EU citizens' fundamental rights remain in danger and that too little has been done to ensure their full protection in case of electronic mass

surveillance; regrets the limited progress in ensuring the protection of whistleblowers and journalists;

surveillance; *feels that the EU citizens are still insufficiently informed about these threats*; regrets the limited progress in ensuring the protection of whistleblowers and journalists;

Or. en

Amendment 104

Jan Philipp Albrecht, Judith Sargentini, Eva Joly

Draft motion for a resolution

Paragraph 23 a (new)

Draft motion for a resolution

Amendment

23a. Deplores the fact that many mass and large-scale intelligence programmes seem to be also driven by economic interests of companies that develop and run those programmes, as was the case for the ending of the NSA's targeted "Thinthread" programme and its replacement by the large-scale surveillance programme "Trailblazer" which was outsourced to SAIC in 2001;

Or. en

Amendment 105

Jan Philipp Albrecht, Judith Sargentini, Eva Joly

Draft motion for a resolution

Paragraph 23 b (new)

Draft motion for a resolution

Amendment

23b. Stresses that mass surveillance severely undermines the rights of EU citizens to be protected against any surveillance of confidential communications with their lawyers and therefore violates the EU Charter of Fundamental Rights, notably Articles 6, 47 and 48 thereof and Directive

2013/48/EU on the right of access to a lawyer, and notably Article 4 thereof which obliges Member States to respect the confidentiality of communication between suspects or accused persons and their lawyer; calls on the European Commission to ensure that within the context of the implementation of Directive 2013/48/EU methods are devised to provide citizens with protection of communications covered by professional secrecy, by excluding altogether such communications from being subject to surveillance activities through the imposition of procedural safeguards, such as the requirement for a prior warrant and strong external oversight with full traceability and accountability of surveillance, regardless of the justification thereof (e.g. national security reasons); calls upon the Commission also to present a communication on this subject by the end of 2016 at the latest;

Or. en

Amendment 106

Jan Philipp Albrecht, Judith Sargentini, Eva Joly

Draft motion for a resolution

Paragraph 23 c (new)

Draft motion for a resolution

Amendment

23c. Reiterates its serious concerns in relation to the work within the Council of Europe's Cybercrime Convention Committee on the interpretation of Article 32 of the Convention on Cybercrime of 23 November 2001 (Budapest Convention) on transborder access to stored computer data with consent or where publicly available, and opposes any conclusion of an additional protocol or guidance intended to broaden the scope of this provision beyond the current regime established by this Convention, which is

already a major exception to the principle of territoriality because it could result in unfettered remote access by law enforcement authorities to servers and computers located in other jurisdictions without recourse to MLA agreements and other instruments of judicial cooperation put in place to guarantee the fundamental rights of the individual, including data protection and due process; Underlines that the European Union has exercised its competence in the area of Cybercrime and therefore the prerogatives of both the Commission and the Parliament should be respected;

Or. en

Amendment 107

Axel Voss, Anna Maria Corazza Bildt, Heinz K. Becker

Draft motion for a resolution

Paragraph 24

Draft motion for a resolution

Amendment

24. Regrets that the Commission has not responded to Parliament's request to conduct an examination as to a comprehensive European Whistleblower protection programme and calls on the Commission to present by the end of 2016 at the latest a communication on this subject;

deleted

Or. en

Amendment 108

Timothy Kirkhope

Draft motion for a resolution

Paragraph 24

Draft motion for a resolution

Amendment

24. Regrets that the Commission has not responded to Parliament's request to conduct an examination as to a comprehensive European Whistleblower protection programme and calls on the Commission to present by the end of 2016 at the latest a communication on this subject;

deleted

Or. en

Amendment 109

Jan Philipp Albrecht, Judith Sargentini, Eva Joly

Draft motion for a resolution

Paragraph 24

Draft motion for a resolution

Amendment

24. Regrets that the Commission has not responded to Parliament's request to conduct an examination as to a comprehensive European Whistleblower protection programme **and** calls on the Commission to present **by the end of 2016 at the latest a communication on this subject;**

24. Regrets that the Commission has not responded to Parliament's request to conduct an examination as to a comprehensive European Whistleblower protection programme; calls on the Commission to present **a Directive on the Minimum Protection of Whistle-Blowers in Europe by the end of 2016;**

Or. en

Amendment 110

Jan Philipp Albrecht, Judith Sargentini, Eva Joly

Draft motion for a resolution

Paragraph 24 a (new)

Draft motion for a resolution

Amendment

24a. Calls on the Commission to prepare guidelines for Member States on how to bring any instruments of personal data collection for the purpose of the

prevention, detection, investigation and prosecution of criminal offences, including terrorism, in line with the judgement of the CJEU of 8th April 2014 on data retention; points in particular to paragraphs 58 and 59 of that judgement, which clearly demand a targeted approach for data collection instead of a "full take"; calls on the Commission to start infringement procedures against those Member States which still have data retention laws in place;

Or. en

Amendment 111

Jan Philipp Albrecht, Judith Sargentini, Eva Joly

Draft motion for a resolution

Paragraph 24 b (new)

Draft motion for a resolution

Amendment

24b. Welcomes the resolution adopted on June 23, 2015 by the Parliamentary Assembly of the Council of Europe on 'Improving the protection of whistle-blowers', particularly:

-Its point 9 on the importance of whistle-blowing to ensure that legal limits placed on surveillance are respected;

-Point 10 calling on the EU to enact whistle-blower protection laws also covering employees of national security or intelligence service and of private firms working in this field and to grant asylum, as far as possible under national law, to whistleblowers threatened by retaliation in their home countries, provided their disclosures qualify for protection under the principles advocated by the Assembly;

Or. en

Amendment 112
Timothy Kirkhope

Draft motion for a resolution
Paragraph 25

Draft motion for a resolution

25. ***Is disappointed by the lack of actions by*** the Commission to ***follow up the detailed*** recommendations made in the resolution to increase EU IT security and online privacy;

Amendment

25. ***Asks*** the Commission to ***examine the*** recommendations made in the resolution to increase EU IT security and online privacy;

Or. en

Amendment 113
Claude Moraes

Draft motion for a resolution
Paragraph 26

Draft motion for a resolution

26. ***Recognises*** the steps made so far to strengthen Parliament's IT security; requests that these efforts are continued and that the recommendations made in the resolution are fully and swiftly carried out; calls for fresh thinking and if necessary legislative change in the field of procurement to enhance the IT security of EU Institutions;

Amendment

26. ***Welcomes*** the steps made so far to strengthen Parliament's IT security ***as outlined in the action plan on EP ICT Security by DGITEC***; requests that these efforts are continued and that the recommendations made in the resolution are fully and swiftly carried out; calls for fresh thinking and if necessary legislative change in the field of procurement to enhance the IT security of EU Institutions; ***calls for the systematic replacement of proprietary software by auditable and verifiable open-source one in all EU institutions, and for the introduction of a mandatory "open-source" selection criteria in all future ICT procurement procedures***;

Or. en

Amendment 114

Cornelia Ernst, Marie-Christine Vergiat, Barbara Spinelli

Draft motion for a resolution

Paragraph 26 a (new)

Draft motion for a resolution

Amendment

26a. Is disappointed that Parliament's IT infrastructure still does not allow for Members to encrypt and decrypt their email;

Or. en

Amendment 115

Anna Maria Corazza Bildt, Monica Macovei

Draft motion for a resolution

Paragraph 27

Draft motion for a resolution

Amendment

27. Strongly reiterates its call to develop, within the framework of new initiatives such as the Digital Single Market, a European strategy for greater IT independence and online privacy that will boost EU IT industry;

deleted

Or. en

Amendment 116

Timothy Kirkhope

Draft motion for a resolution

Paragraph 28

Draft motion for a resolution

Amendment

28. Will submit further recommendations in this field following its conference "Protecting on-line privacy by enhancing IT security and EU IT autonomy" scheduled for the end of 2015;

deleted

Amendment 117
Claude Moraes, Birgit Sippel

Draft motion for a resolution
Paragraph 28

Draft motion for a resolution

28. Will submit further recommendations in this field following its conference "Protecting on-line privacy by enhancing IT security and EU IT autonomy" scheduled for the end of 2015;

Amendment

28. Will submit further recommendations in this field following its conference "Protecting on-line privacy by enhancing IT security and EU IT autonomy" scheduled for the end of 2015 ***building up on the findings of the recent STOA study on the mass surveillance of IT users;***

Or. en

Amendment 118
Axel Voss, Brice Hortefeux, Michal Boni, Traian Ungureanu, Heinz K. Becker

Draft motion for a resolution
Paragraph 29

Draft motion for a resolution

29. Welcomes the Commission's aim to make the EU a reference player for Internet governance and its vision of a multi-stakeholder model for internet governance ***which was reiterated during the Global Multistakeholder Meeting on the Future of Internet Governance (NETMundial) in Brazil in April 2014; looks forward to the ongoing international work in this field including in the framework of the Internet Governance Forum;***

Amendment

29. Welcomes the Commission's aim to make the EU a reference player for Internet governance and its vision of a multi-stakeholder model for internet governance;

Or. en

Amendment 119

Cornelia Ernst, Marie-Christine Vergiat, Barbara Spinelli

Draft motion for a resolution

Subheading 11 a (new)

Draft motion for a resolution

Amendment

European Agenda on Security

Or. en

Amendment 120

Cornelia Ernst, Marie-Christine Vergiat, Barbara Spinelli

Draft motion for a resolution

Paragraph 29 a (new)

Draft motion for a resolution

Amendment

29a. Opposes the continuing policy by the EU and the Member States, as evidenced in the recently published 'European Agenda on Security', on promoting more personal data collection measures in the so-called fight against terrorism and organised crime, with a clear disregard for the legal necessity and proportionality test which are crucial to protecting the essence of citizens' fundamental rights and safeguarding the presumption of innocence;

Or. en

Amendment 121

Cornelia Ernst, Marie-Christine Vergiat, Barbara Spinelli

Draft motion for a resolution

Paragraph 29 b (new)

Draft motion for a resolution

Amendment

29b. Warns for the obvious downward spiral for the fundamental right to privacy

and personal data protection when every bit of information on human behaviour is considered to be potentially useful in combatting future criminal acts, necessarily resulting in a mass surveillance culture where every citizen is treated as a potential suspect and leading to corrosion of societal coherence and trust;

Or. en

Amendment 122
Claude Moraes, Birgit Sippel

Draft motion for a resolution
Paragraph 29 a (new)

Draft motion for a resolution

Amendment

Will take into account the findings in the Fundamental Rights Agency in-depth research on the protection of fundamental rights in the context of surveillance, and in particular on the current legal situation of individuals with regard to the remedies available to them in relation to those practices;

Or. en

Amendment 123
Monika Hohlmeier

Draft motion for a resolution
Paragraph 30

Draft motion for a resolution

Amendment

30. Instructs its Committee on Civil Liberties, Justice and Home Affairs to continue to monitor developments in this field and the follow-up to the recommendations made in the resolution and to address the plenary again within

deleted

one year;

Or. en

Amendment 124

Axel Voss

Draft motion for a resolution

Paragraph 30

Draft motion for a resolution

30. Instructs its Committee on Civil Liberties, Justice and Home Affairs to continue to monitor developments in this field and the follow-up to the recommendations made in the resolution ***and to address the plenary again within one year;***

Amendment

30. Instructs its Committee on Civil Liberties, Justice and Home Affairs to continue to monitor developments in this field and the follow-up to the recommendations made in the resolution ***where necessary;***

Or. en

Amendment 125

Timothy Kirkhope

Draft motion for a resolution

Paragraph 30

Draft motion for a resolution

30. Instructs its Committee on Civil Liberties, Justice and Home Affairs to continue to monitor developments in this field and the follow-up to the recommendations made in the resolution ***and to address the plenary again within one year;***

Amendment

30. Instructs its Committee on Civil Liberties, Justice and Home Affairs to continue to monitor developments in this field and the follow-up to the recommendations made in the resolution.

Or. en