



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Civil Liberties, Justice and Home Affairs

2013/2188(INI)

24.1.2014

AMENDMENTS

1 - 265

Draft report
Claude Moraes
(PE526.085v02-00)

on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs

(2013/2188(INI))

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PE527.988v01-00

EN

United in diversity

EN

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Amendment 1

**Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares,
Ra il Romeva i Rueda**

Motion for a resolution

Citation 8 a (new)

Motion for a resolution

Amendment

**- having regard to the Vienna Convention
on Diplomatic Relations, notably its
Articles 24, 27 and 40,**

Or. en

Amendment 2

Claude Moraes

Motion for a resolution

Citation 15 a (new)

Motion for a resolution

Amendment

**– having regard to the Vienna Convention
on Diplomatic Relations,**

Or. en

Amendment 3

**Claude Moraes, Jos e Ignacio Salafranca S anchez-Neyra, Ana Gomes, Annemie Neyts-
Uyttebroeck**

Motion for a resolution

Citation 33 a (new)

Motion for a resolution

Amendment

**– having regard to the Presidential Policy
Directive (PPD-28) on Signals
Intelligence Activities, issued by US
President Barack Obama on 17 January
2014,**

Amendment 4

Claude Moraes, Ana Gomes, Annemie Neyts-Uyttebroeck, José Ignacio Salafranca Sánchez-Neyra

Motion for a resolution

Citation 34

Motion for a resolution

– having regard to legislative proposals currently under examination in the US Congress, *in particular* the draft US Freedom Act,

Amendment

– having regard to legislative proposals currently under examination in the US Congress, *including* the draft US Freedom Act, *the draft Intelligence Oversight and Surveillance Reform Act, and others,*

Amendment 5

Claude Moraes, Ana Gomes, Annemie Neyts-Uyttebroeck, José Ignacio Salafranca Sánchez-Neyra

Motion for a resolution

Citation 36

Motion for a resolution

– having regard to the ruling of the United States District Court for the District of Columbia, *Klayman et al. v Obama et al.*, Civil Action No 13-0851 of 16 December 2013,

Amendment

– having regard to the ruling of the United States District Court for the District of Columbia, *Klayman et al. v Obama et al.*, Civil Action No 13-0851 of 16 December 2013, *and to the ruling of the United States District Court for the Southern District of New York, ACLU et al. v James R. Clapper et al., XXX of 27 December 2013,*

Amendment 6

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, Hélène Flautre, Rui Tavares,

Raül Romeva i Rueda

**Motion for a resolution
Citation 36 a (new)**

Motion for a resolution

Amendment

*– having regard to US Presidential Policy
Directive PPD-28 on Signals Intelligence
Activities of 17 January 2014,*

Or. en

Amendment 7

**Axel Voss, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra,
Teresa Jiménez-Becerril Barrio, Salvador Sedó i Alabart**

**Motion for a resolution
Citation 37 a (new)**

Motion for a resolution

Amendment

*– having regard to the Presidential Policy
Directive/PPD-28 on Signals Intelligence
Activities of 17th January 2014,*

Or. en

Amendment 8

**Axel Voss, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra,
Teresa Jiménez-Becerril Barrio, Salvador Sedó i Alabart**

**Motion for a resolution
Citation 40 a (new)**

Motion for a resolution

Amendment

*– having regard to the working document
1 on the US and EU Surveillance
programmes and their impact on EU
citizens fundamental rights,*

Or. en

Amendment 9

**Axel Voss, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra,
Teresa Jiménez-Becerril Barrio, Salvador Sedó i Alabart**

Motion for a resolution

Citation 40 b (new)

Motion for a resolution

Amendment

*– having regard to the working document
3 on the relation between the surveillance
practices in the EU and the US and the
EU data protection provisions,*

Or. en

Amendment 10

**Axel Voss, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra,
Teresa Jiménez-Becerril Barrio, Salvador Sedó i Alabart**

Motion for a resolution

Citation 40 c (new)

Motion for a resolution

Amendment

*– having regard to the working document
4 on US Surveillance activities with
respect to EU data and its possible legal
implications on transatlantic agreements
and cooperation,*

Or. en

Amendment 11

**Axel Voss, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra,
Teresa Jiménez-Becerril Barrio, Salvador Sedó i Alabart**

Motion for a resolution

Citation 40 d (new)

Motion for a resolution

Amendment

**– having regard to the working document
5 on Democratic oversight of Member
State intelligence services and of EU
intelligence bodies,**

Or. en

Amendment 12

Birgit Sippel, Carmen Romero López

Motion for a resolution

Recital A

Motion for a resolution

Amendment

A. whereas the ties between *Europe* and the United States of America are based on the spirit and principles of democracy, liberty, justice and solidarity;

A. *whereas privacy is not a luxury right, but the fundament of a free and democratic society and whereas, given that the European Union's core aim is to promote freedom of the individual, security measures, including counterterrorism measures, must be pursued through the rule of law and must be subject to fundamental rights obligations, thereby making mass surveillance per se incompatible with the very nature of a democratic society and* whereas the ties between *the European Union* and the United States of America are based on the spirit and *these* principles of democracy, *rule of law*, liberty, justice and solidarity;

Or. en

Amendment 13

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra l Romeva i Rueda

Motion for a resolution

Recital A

Motion for a resolution

A. whereas the ties between Europe and the United States of America are based on the spirit and principles of democracy, liberty, justice and solidarity;

Amendment

A. whereas the ties between Europe and the United States of America are based on the spirit and principles of democracy ***and rule of law***, liberty, justice and solidarity;

Or. en

Amendment 14

Claude Moraes, Ana Gomes, Annemie Neyts-Uyttebroeck, José Ignacio Salafranca Sánchez-Neyra

**Motion for a resolution
Recital A**

Motion for a resolution

A. whereas the ties between Europe and the United States of America are based on the spirit and principles of democracy, liberty, justice and solidarity;

Amendment

A. whereas the ties between Europe and the United States of America are based on the spirit and principles of democracy, liberty, justice and solidarity; ***whereas cooperation between the United States and the European Union and its Member States in counter-terrorism remains vital for the security and safety of both partners;***

Or. en

Amendment 15

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra l Romeva i Rueda, Carl Schlyter

**Motion for a resolution
Recital A a (new)**

Motion for a resolution

Aa. whereas, given that the EU's core aim is to promote freedom of the individual, security measures, including counterterrorism measures, must be

pursued through the rule of law and must be subject to fundamental rights obligations, including those relating to privacy and data protection;

Or. en

Amendment 16
Cornelia Ernst

Motion for a resolution
Recital A a (new)

Motion for a resolution

Amendment

Aa. Whereas intelligence agencies are historically rooted in State-to-State political scepticism and espionage, especially intensified during the Cold War. Intelligence agencies have been classically targeting foreign State activities which are a threat to the national security, somehow emphasizing the protection of the organizational character and national interests of the national State. National security, although a very vague and (too) flexible term in itself, seems to have been interpreted as linked with an intent to destabilize the state as an organization as such, which bears many parallels with the traditional notion of terrorism.

In stark contrast, the current revelations on mass-scale interception of non-suspected domestic citizens seem to have departed strongly from this historically more limited task. Not only does it seem that the field of action has been increasingly shifted to more domestic surveillance, but also has it considerably loosened its close link with the notion of destabilizing the organization of the State apparatus, as the intelligence activities have been much more broadly interpreted towards any form of serious or organized

crime.

This is a reason for grave concern, since by widening its scope in this manner, it seems to overlap - or intrude - to a great extent into the scope of traditional policing, however without the accountability and stricter rule of law that applies in that field. This is a very worrying trend;

Or. en

Amendment 17
Cornelia Ernst

Motion for a resolution
Recital B

Motion for a resolution

Amendment

B. whereas mutual trust and understanding are key factors in the transatlantic dialogue;

deleted

Or. en

Amendment 18
Josef Weidenholzer, Birgit Sippel

Motion for a resolution
Recital B

Motion for a resolution

Amendment

B. whereas mutual trust *and understanding* are key factors in the transatlantic dialogue;

B. whereas mutual trust, *understanding and partnership* are key factors in the transatlantic dialogue;

Or. en

Amendment 19
Axel Voss, Elena Oana Antonescu, Véronique Mathieu Houillon, Agustín Díaz de Mera

García Consuegra, Teresa Jiménez-Becerril Barrio, Timothy Kirkhope, Salvador Sedó i Alabart

Motion for a resolution

Recital B

Motion for a resolution

B. whereas mutual trust and understanding are key factors in the transatlantic dialogue;

Amendment

B. whereas mutual trust and understanding are key factors in the transatlantic dialogue, ***partnership and relations***;

Or. en

Amendment 20

Gianni Vattimo

Motion for a resolution

Recital B a (new)

Motion for a resolution

Amendment

Ba. whereas blanket mass surveillance of citizens, in the absence of any suspicion, evidence, or charge and without the prior authorisation of a court, or under systems that are weak in terms of legal remedies and democratic control, is a hallmark of totalitarian regimes which trample on citizens' rights and freedoms; whereas European countries, having endured totalitarian regimes of that kind and the tragedy of the two world wars, are particularly aware of that fact; whereas the ECHR, the Charter of Fundamental Rights, national constitutions, and laws provide a number of safeguards to preserve the right to privacy and data protection and restrict the powers and actions of intelligence agencies, and these are of vital importance;

Or. it

Amendment 21

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra il Romeva i Rueda

Motion for a resolution

Recital C

Motion for a resolution

C. **whereas in September 2001 the world entered a new phase which resulted in the fight against terrorism being listed among the top priorities of most governments;** whereas the revelations based on leaked documents from Edward Snowden, former NSA contractor, put **democratically elected** leaders under **an** obligation to address the challenges of **the increasing capabilities of** intelligence agencies in surveillance activities **and their implications for** the rule of law in a democratic society;

Amendment

C. whereas the revelations based on leaked documents from **whistleblower** Edward Snowden, former NSA contractor, put **democratically-elected** leaders under **the** obligation to address the challenges of **overseeing and controlling** intelligence agencies in surveillance activities **acting outside** the rule of law in a democratic society;

Or. en

Amendment 22

Sophia in 't Veld, Nadja Hirsch

Motion for a resolution

Recital C

Motion for a resolution

C. whereas in September 2001 the world entered a new phase which resulted in the fight against terrorism being listed among the top priorities of most governments; whereas the revelations based on leaked documents from Edward Snowden, former NSA contractor, put democratically elected leaders under an obligation to address the challenges of the increasing capabilities of intelligence agencies in surveillance activities and their **implications for** the rule of law in a democratic **society**;

Amendment

C. whereas in September 2001 the world entered a new phase which resulted in the fight against terrorism being listed among the top priorities of most governments; whereas the revelations based on leaked documents from Edward Snowden, former NSA contractor, put democratically elected leaders under an obligation to address the challenges of the increasing capabilities of intelligence agencies in surveillance activities and their **impact on fundamental rights**, the rule of law in a democratic **society and civil liberties of citizens**;

Amendment 23**Cornelia Ernst, Martin Ehrenhauser****Motion for a resolution****Recital C***Motion for a resolution*

C. whereas *in* September 2001 *the world entered a new phase which resulted in* the fight against terrorism *being listed among* the top priorities of most governments; whereas the revelations based on leaked documents from Edward Snowden, former NSA contractor, put democratically elected leaders under an obligation to address the challenges of the increasing capabilities of intelligence agencies in surveillance activities and their implications for the rule of law in a democratic society;

Amendment

C. whereas *following the events of* September 2001, the fight against terrorism *became one of* the top priorities of most governments; whereas the revelations based on leaked documents from Edward Snowden, former NSA contractor, put democratically elected leaders under an obligation, *both moral and political*, to address the challenges of the increasing capabilities of intelligence agencies in surveillance activities and their implications for the rule of law in a democratic society;

Amendment 24**Axel Voss, Elena Oana Antonescu, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Arnaud Danjean, Timothy Kirkhope, Salvador Sedó i Alabart****Motion for a resolution****Recital C***Motion for a resolution*

C. whereas in September 2001 the world entered a new phase which resulted in the fight against terrorism being listed among the top priorities of most governments; whereas the revelations based on leaked documents *from Edward Snowden, former NSA contractor, put democratically elected* leaders under an obligation to

Amendment

C. whereas in September 2001 the world entered a new phase which resulted in the fight against terrorism being listed among the top priorities of most governments; whereas the revelations based on leaked documents *put political* leaders under an obligation to address the challenges of the increasing capabilities of intelligence

address the challenges of the increasing capabilities of intelligence agencies in surveillance activities and their implications for the rule of law in a democratic society;

agencies in surveillance activities and their implications for the rule of law in a democratic society;

Or. en

Amendment 25

Timothy Kirkhope

on behalf of the ECR Group

Motion for a resolution

Recital D – introductory part

Motion for a resolution

D. whereas the *revelations* since June 2013 have caused numerous concerns within the EU as to:

Amendment

D. whereas the *allegations* since June 2013 have caused numerous concerns within the EU as to:

Or. en

Amendment 26

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra il Romeva i Rueda

Motion for a resolution

Recital D – point 2

Motion for a resolution

· the *high risk of* violation of EU legal standards, fundamental rights and data protection standards;

Amendment

· the violation of EU legal standards, fundamental rights and data protection standards;

Or. en

Amendment 27

Sophia in 't Veld, Nadja Hirsch

Motion for a resolution

Recital D – point 2

Motion for a resolution

· the **high risk of** violation of EU legal standards, fundamental rights and data protection standards;

Amendment

· the **grave** violation of EU legal standards, fundamental rights and data protection standards;

Or. en

Amendment 28

Cornelia Ernst

Motion for a resolution

Recital D – point 3

Motion for a resolution

· **the degree of trust between EU and US transatlantic partners;**

Amendment

deleted

Or. en

Amendment 29

Timothy Kirkhope

on behalf of the ECR Group

Motion for a resolution

Recital D – point 4

Motion for a resolution

· the degree of cooperation and involvement of certain EU Member States with US surveillance programmes or equivalent programmes at national level as **unveiled** by the media;

Amendment

· the degree of cooperation and involvement of certain EU Member States with US surveillance programmes or equivalent programmes at national level as **alleged** by the media;

Or. en

Amendment 30

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra il Romeva i Rueda

Motion for a resolution

Recital D – point 5

Motion for a resolution

· the *degree* of control and effective oversight by the US political authorities and certain EU Member States over their intelligence communities;

Amendment

· the *lack* of control and effective oversight by the US political authorities and certain EU Member States over their intelligence communities;

Or. en

Amendment 31

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra il Romeva i Rueda

Motion for a resolution

Recital D – point 6

Motion for a resolution

· the *possibility* of these mass surveillance operations being used for reasons other than national security and the strict fight against terrorism, for example economic and industrial espionage or profiling on political grounds;

Amendment

· the *fact* of these mass surveillance operations being used for reasons other than national security and the strict fight against terrorism, for example economic and industrial espionage or profiling on political grounds;

Or. en

Amendment 32

Sophia in 't Veld, Nadja Hirsch

Motion for a resolution

Recital D – point 6 a (new)

Motion for a resolution

Amendment

the undermining of press freedom, the confidentiality of lawyer-client

*communications, the professional secrecy
of doctors and the independence of
politicians;*

Or. en

Amendment 33
Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution
Recital D – point 8

Motion for a resolution

Amendment

*· the increasingly blurred boundaries
between law enforcement and intelligence
activities, leading to every citizen being
treated as a suspect;*

deleted

Or. en

Amendment 34
**Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares,
Ra il Romeva i Rueda**

Motion for a resolution
Recital D – point 8

Motion for a resolution

Amendment

· the increasingly blurred boundaries
between law enforcement and intelligence
activities, leading to every citizen being
treated as a suspect;

· the increasingly blurred boundaries
between law enforcement and intelligence
activities, leading to every citizen being
treated as a suspect *and being surveilled*;

Or. en

Amendment 35
Josef Weidenholzer, Birgit Sippel

Motion for a resolution

Recital D – point 8

Motion for a resolution

· the increasingly blurred boundaries between law enforcement and intelligence activities, leading to every citizen being treated as a suspect;

Amendment

· the increasingly blurred boundaries between law enforcement and intelligence activities ***due to bulk collection of untargeted data - such as data retention, leading to every citizen being treated as a suspect and disregarding the presumption of innocence;***

Or. en

Amendment 36

Cornelia Ernst

Motion for a resolution

Recital D – point 9

Motion for a resolution

· the threats to privacy ***in a digital era;***

Amendment

· the threats to privacy ***that arise from ubiquitous computing;***

Or. en

Amendment 37

Jan Mulder

Motion for a resolution

Recital D – point 9

Motion for a resolution

· the threats to privacy in a digital era;

Amendment

· the threats to privacy in a digital era; ***the Internet has been turned into a tool of mass surveillance instead of being an infrastructure that is open, secure and fosters economic growth; regrets the possible detrimental effects this will have on the US and EU's efforts to promote an open and secure Internet through the***

multistakeholder model at a global level;

Or. en

Amendment 38

**Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares,
Ra il Romeva i Rueda**

Motion for a resolution

Recital D – point 9 a (new)

Motion for a resolution

Amendment

*the undermining of the communications
with members of a profession with a
confidentiality privilege such as lawyers,
journalists, physicians or priests;*

Or. en

Amendment 39

Josef Weidenholzer, Birgit Sippel

Motion for a resolution

Recital D a (new)

Motion for a resolution

Amendment

*Da. the general believe that untargeted
surveillance is a necessary means to
insure national security even though
studies show the opposite;*

Or. en

Amendment 40

Timothy Kirkhope

on behalf of the ECR Group

Motion for a resolution

Recital E

Motion for a resolution

E. whereas the ***unprecedented magnitude of the espionage*** revealed requires full investigation by the US authorities, the European Institutions and Members States' governments and national parliaments;

Amendment

E. whereas the ***alleged actions*** revealed requires full investigation by the US authorities, the European Institutions and Members States' governments and national parliaments;

Or. en

Amendment 41
Cornelia Ernst

Motion for a resolution
Recital E

Motion for a resolution

E. whereas the unprecedented magnitude of the espionage revealed requires full investigation by the US authorities, the European Institutions and Members States' governments ***and national parliaments***;

Amendment

E. whereas the unprecedented magnitude of the espionage revealed requires full investigation by the US authorities, the European Institutions and Members States' governments, ***national parliaments and judicial authorities***;

Or. en

Amendment 42
Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, Hélène Flautre, Rui Tavares, Raúl Romeva i Rueda

Motion for a resolution
Recital F

Motion for a resolution

F. whereas the US authorities have denied some of the information revealed but not contested the vast majority of it; whereas the public debate has developed on a large scale in the US and in ***a limited number of*** EU Member States; whereas EU governments too often remain silent and

Amendment

F. whereas the US authorities have denied some of the information revealed but not contested the vast majority of it; whereas the public debate has developed on a large scale in the US and in EU Member States; whereas EU governments too often remain silent and fail to launch adequate

fail to launch adequate investigations;

investigations;

Or. en

Amendment 43

Cornelia Ernst

Motion for a resolution

Recital F

Motion for a resolution

F. whereas the US authorities have denied some of the information revealed but not contested the vast majority of it; whereas the public debate has developed on a large scale in the US and in a limited number of EU Member States; whereas EU governments too often remain silent and fail to launch adequate investigations;

Amendment

F. whereas the US authorities have denied some of the information revealed but not contested the vast majority of it; whereas the public debate has developed on a large scale in the US and in a limited number of EU Member States; whereas EU governments *and parliaments* too often remain silent and fail to launch adequate investigations;

Or. en

Amendment 44

Claude Moraes

Motion for a resolution

Recital F

Motion for a resolution

F. whereas the US authorities have denied some of the information revealed but not contested the vast majority of it; whereas the public debate has developed on a large scale in the US and in *a limited number of* EU Member States; whereas EU governments too often remain silent and fail to launch adequate investigations;

Amendment

F. whereas the US authorities have denied some of the information revealed but not contested the vast majority of it; whereas the public debate has developed on a large scale in the US and in *certain* EU Member States; whereas EU governments too often remain silent and fail to launch adequate investigations;

Or. en

Amendment 45

Birgit Sippel, Carmen Romero López, Josef Weidenholzer

Motion for a resolution

Recital F

Motion for a resolution

F. whereas the US authorities have denied some of the information revealed but not contested the vast majority of it; whereas the public debate has developed on a large scale in the US and in ***a limited number of*** EU Member States; whereas EU governments too often remain silent and fail to launch adequate investigations;

Amendment

F. whereas the US authorities have denied some of the information revealed but not contested the vast majority of it; whereas the public debate has developed on a large scale in the US and in ***certain*** EU Member States; whereas EU governments too often remain silent and fail to launch adequate investigations;

Or. en

Amendment 46

Anna Maria Corazza Bildt

Motion for a resolution

Recital F a (new)

Motion for a resolution

Amendment

Fa. whereas President Obama has recently announced a reform of the NSA and its surveillance programmes;

Or. en

Amendment 47

Birgit Sippel, Carmen Romero López, Josef Weidenholzer

Motion for a resolution

Recital F a (new)

Motion for a resolution

Amendment

Fa. whereas in comparison to actions taken by both EU institutions and by certain EU Member States, the European

Parliament has taken very seriously its obligation to shed light on the revelations on the indiscriminate practices of mass surveillance of EU citizens and, by its resolution of 4 July 2013 on the US National Security Agency surveillance programme, surveillance bodies in various Member States and their impact on EU citizens, instructed its Committee on Civil Liberties, Justice and Home Affairs to conduct an in-depth inquiry into the matter;

Or. en

Amendment 48

Timothy Kirkhope

on behalf of the ECR Group

Motion for a resolution

Recital G

Motion for a resolution

G. whereas it is the duty of the European **Institutions** to ensure that EU law is fully implemented for the benefit of European citizens and that the legal force of EU Treaties is not undermined **by a dismissive acceptance of extraterritorial effects of third countries' standards or actions;**

Amendment

G. whereas it is the duty of the European **Commission** to ensure that EU law is fully implemented for the benefit of European citizens and that the legal force of EU Treaties is not undermined;

Or. en

Amendment 49

Claude Moraes, Ana Gomes, Annemie Neyts-Uyttebroeck, José Ignacio Salafranca Sánchez-Neyra

Motion for a resolution

Recital H

Motion for a resolution

H. whereas the District Court for the

Amendment

H. whereas the District Court for the

District of Columbia, in its Decision of 16 December 2013, has ruled that the bulk collection of metadata by the NSA is in breach of the Fourth Amendment to the US Constitution²⁵ ;

District of Columbia, in its Decision of 16 December 2013, has ruled that the bulk collection of metadata by the NSA is in breach of the Fourth Amendment to the US Constitution²⁵ ; ***whereas, however the District Court for the Southern District of New York ruled in its Decision of 27 December 2013 that this collection was lawful;***

²⁵ Klayman et al. v Obama et al., Civil Action No 13-0851, 16 December 2013.

²⁵ Klayman et al. v Obama et al., Civil Action No 13-0851, 16 December 2013.

Or. en

Amendment 50
Josef Weidenholzer

Motion for a resolution
Recital J

Motion for a resolution

J. whereas in its report of 12 December 2013, the President’s Review Group on Intelligence and Communication Technology proposes **45** recommendations to the President of the US; whereas the recommendations stress the need simultaneously to protect national security and personal privacy and civil liberties; whereas in this regard it invites the US Government to end bulk collection of phone records of US persons under Section 215 of the Patriot Act as soon as practicable, to undertake a thorough review of the NSA and the US intelligence legal framework in order to ensure respect for the right to privacy, to end efforts to subvert or make vulnerable commercial software (backdoors and malware), to increase the use of encryption, particularly in the case of data in transit, and not to undermine efforts to create encryption standards, to create a Public Interest

Amendment

J. whereas in its report of 12 December 2013, the President’s Review Group on Intelligence and Communication Technology proposes **46** recommendations to the President of the US; whereas the recommendations stress the need simultaneously to protect national security and personal privacy and civil liberties; whereas in this regard it invites the US Government to end bulk collection of phone records of US persons under Section 215 of the Patriot Act as soon as practicable, to undertake a thorough review of the NSA and the US intelligence legal framework in order to ensure respect for the right to privacy, to end efforts to subvert or make vulnerable commercial software (backdoors and malware), to increase the use of encryption, particularly in the case of data in transit, and not to undermine efforts to create encryption standards, to create a Public Interest

Advocate to represent privacy and civil liberties before the Foreign Intelligence Surveillance Court, to confer on the Privacy and Civil Liberties Oversight Board the power to oversee Intelligence Community activities for foreign intelligence purposes, and not only for counterterrorism purposes, and to receive whistleblowers' complaints, to use Mutual Legal Assistance Treaties to obtain electronic communications, and not to use surveillance to steal industry or trade secrets;

Advocate to represent privacy and civil liberties before the Foreign Intelligence Surveillance Court, to confer on the Privacy and Civil Liberties Oversight Board the power to oversee Intelligence Community activities for foreign intelligence purposes, and not only for counterterrorism purposes, and to receive whistleblowers' complaints, to use Mutual Legal Assistance Treaties to obtain electronic communications, and not to use surveillance to steal industry or trade secrets;

Or. en

Amendment 51

Claude Moraes, Birgit Sippel, Josef Weidenholzer, Carmen Romero López

Motion for a resolution

Recital J a (new)

Motion for a resolution

Amendment

Ja. Whereas, according to an open memorandum submitted to President Obama by Former NSA Senior Executives/Veteran Intelligence Professionals for Sanity (VIPS) on 7th January 2014 ^{27a} the massive collection of data does not enhance its ability to prevent future terrorist attacks; whereas, they stress that mass surveillance conducted by the NSA has resulted in the prevention of zero attacks and that billions have been spent in programs which are less effective and hugely more intrusive on citizens' privacy than an in-house technology called THINTHREAD that was built in 2001;

^{27a}<http://consortiumnews.com/2014/01/07/nsa-insiders-reveal-what-went-wrong/>

Or. en

Amendment 52

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H  l  ne Flautre, Rui Tavares, Ra  l Romeva i Rueda

Motion for a resolution

Recital K a (new)

Motion for a resolution

Amendment

Ka. whereas US President Barack Obama in his speech on 17 January has announced some policy changes to the mass surveillance programmes, he has not called for changes in legislation, particularly the prohibition of mass surveillance activities and bulk processing of personal data and the introduction of legal redress for non-US persons;

Or. en

Amendment 53

Birgit Sippel

Motion for a resolution

Recital K a (new)

Motion for a resolution

Amendment

Ka. whereas in his Presidential Policy Directive on Signals Intelligence Activities of 17 January 2014, US President Barack Obama insisted that mass electronic surveillance continues to be necessary for the United States to protect its national security, citizens and the citizens of US allies and partners, as well as to advance its foreign policy interests; whereas president Obama did not announce any concrete proposals in terms of legislative reform and the introduction of administrative and judicial redress for non-US persons; whereas this policy directive limits the

authorisation for the bulk collection of signals intelligence and specifically excludes the gathering of any kind of signals intelligence for commercial purposes; whereas the policy directive mandates the development of safeguards for the personal information of all individuals, regardless of their nationality or residence, partly providing for treatment equivalent to that enjoyed by US citizens;

Or. en

Amendment 54

Claude Moraes, Ana Gomes, Annemie Neyts-Uyttebroeck, José Ignacio Salafranca Sánchez-Neyra

**Motion for a resolution
Recital K a (new)**

Motion for a resolution

Amendment

Ka. whereas in his Presidential Policy Directive on Signals Intelligence Activities of 17 January 2014 and the related speech, US President Barack Obama insisted that mass electronic surveillance continues to be necessary for the United States to protect its national security, citizens and the citizens of US allies and partners, as well as to advance its foreign policy interests; whereas this policy directive limits the authorisation for the bulk collection of signals intelligence and specifically excludes the gathering of any kind of signals intelligence for commercial purposes; whereas the policy directive mandates the development of safeguards for the personal information of all individuals, regardless of their nationality or residence, partly providing for treatment equivalent to that enjoyed by US citizens; whereas however President Obama did not announce any concrete proposals in

terms of the introduction of administrative and judicial redress for non-US persons;

Or. en

Amendment 55
Gianni Vattimo

Motion for a resolution
Recital K a (new)

Motion for a resolution

Amendment

Ka. whereas the recent statements and initiatives by President Barack Obama concerning reform of US intelligence activities, though a step in the right direction, are vaguely couched and confined to the principles to observe and do not make any specific change to the law that would genuinely protect citizens, European and otherwise, political and business leaders included, who have been spied upon in vast numbers by US agencies under their surveillance programmes;

Or. it

Amendment 56
Cornelia Ernst, Martin Ehrenhauser

Motion for a resolution
Recital L

Motion for a resolution

Amendment

L. whereas the report on the findings by the EU Co-Chairs of the ad hoc EU-US Working Group on data protection provides for an overview of the legal situation in the US but has *not helped sufficiently with establishing* the facts about US surveillance programmes;

L. whereas the report on the findings by the EU Co-Chairs of the ad hoc EU-US Working Group on data protection provides for an overview of the legal situation in the US but has *failed to establish* the facts about US surveillance programmes; whereas no information has

whereas no information has been made available about the so-called ‘second track’ Working Group, under which Member States discuss bilaterally with the US authorities matters related to national security;

been made available about the so-called ‘second track’ Working Group, under which Member States discuss bilaterally with the US authorities matters related to national security;

Or. en

Amendment 57

Birgit Sippel, Carmen Romero López, Josef Weidenholzer

Motion for a resolution

Recital M

Motion for a resolution

M. whereas fundamental rights, notably freedom of expression, of the press, of thought, of conscience, of religion and of association, private life, data protection, as well as the right to an effective remedy, the presumption of innocence and the right to a fair trial and non-discrimination, as enshrined in the Charter on Fundamental Rights of the European Union and in the European Convention on Human Rights, are cornerstones of democracy;

Amendment

M. whereas fundamental rights, notably freedom of expression, of the press, of thought, of conscience, of religion and of association, private life, data protection, as well as the right to an effective remedy, the presumption of innocence and the right to a fair trial and non-discrimination, as enshrined in the Charter on Fundamental Rights of the European Union and in the European Convention on Human Rights, are cornerstones of democracy; ***and whereas mass surveillance of human beings is incompatible with these cornerstones;***

Or. en

Amendment 58

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra il Romeva i Rueda

Motion for a resolution

Recital M a (new)

Motion for a resolution

Amendment

Ma. whereas in all Member States the law

protects from disclosure information communicated in confidence between lawyer and client, a principle which has been recognised by the European Court of Justice^{26a};

^{26a} Judgement of 18 May 1982 in case C-155/79, AM & S Europe Limited v Commission of the European Communities

Or. en

Amendment 59
Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution
Recital N

Motion for a resolution

N. whereas *according to Article 67(3) TFEU the EU 'shall endeavour to ensure a high level of security'; whereas the provisions of the Treaty (in particular Article 4(2) TEU, Article 72 TFEU and Article 73 TFEU) imply that the EU disposes of certain competences on matters relating to the collective security of the Union; whereas the EU has exercised competence in matters of internal security by deciding on a number of legislative instruments and concluding international agreements (PNR, TFTP) aimed at fighting serious crime and terrorism and by setting up an internal security strategy and agencies working in this field;*

Amendment

N. Whereas *the Treaty on European Union states that "competences not conferred upon the Union in the Treaties remain with the Member States" (Article 4(1) TEU) and that the EU "shall respect essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security" as well stating that "national security remains the sole responsibility of each Member State" (Article 4(2) TEU);*

Or. en

Amendment 60

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra il Romeva i Rueda

Motion for a resolution

Recital N

Motion for a resolution

N. whereas according to Article 67(3) TFEU the EU ‘shall endeavour to ensure a high level of security’; whereas the provisions of the Treaty (in particular Article 4(2) TEU, Article 72 TFEU and Article 73 TFEU) imply that the EU disposes of certain competences on matters relating to the collective security of the Union; whereas the EU has *exercised* competence in matters of internal security by deciding on a number of legislative instruments and concluding international agreements (PNR, TFTP) aimed at fighting serious crime and terrorism and by *setting up* an internal security strategy and agencies working in this field;

Amendment

N. whereas according to Article 67(3) TFEU the EU "shall endeavour to ensure a high level of security"; whereas the provisions of the Treaty (in particular Article 4(2) TEU, Article 72 TFEU and Article 73 TFEU) imply that the EU disposes of certain competences on matters relating to the collective *external* security of the Union; whereas the EU has competence in matters of internal security (*Article 4(j) TFEU*) and has *exercised this competence* by deciding on a number of legislative instruments and concluding international agreements (PNR, TFTP) aimed at fighting serious crime and terrorism and by *setting-up* an internal security strategy and agencies working in this field;

Or. en

Amendment 61

Cornelia Ernst

Motion for a resolution

Recital N a (new)

Motion for a resolution

Na. whereas there is no generally accepted definition of the concept of 'national security';

Amendment

Or. en

Amendment 62
Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution
Recital N a (new)

Motion for a resolution

Amendment

Na. Whereas the Treaty on the Functioning of the European Union (Article 72 TFEU) state that "it shall be open to Member States to organise between themselves and under their responsibility such forms of cooperation and coordination as they deem appropriate between the competent departments of their administrations responsible for safeguarding national security." (Article 73 TFEU);

Or. en

Amendment 63
Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution
Recital N b (new)

Motion for a resolution

Amendment

Nb. Whereas Article 276 TFEU states "in exercising its powers regarding the provisions of Chapters 4 and 5 of Title V of Part Three relating to the area of freedom, security and justice, the Court of Justice of the European Union shall have no jurisdiction to review the validity or proportionality of operations carried out by the police or other law-enforcement services of a Member State or the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security";

Amendment 64

Timothy Kirkhope

on behalf of the ECR Group

Motion for a resolution

Recital O

Motion for a resolution

Amendment

O. whereas the concepts of 'national security', 'internal security', 'internal security of the EU' and 'international security' overlap; whereas the Vienna Convention on the Law of Treaties, the principle of sincere cooperation among EU Member States and the human rights law principle of interpreting any exemptions narrowly point towards a restrictive interpretation of the notion of 'national security' and require that Member States refrain from encroaching upon EU competences;

deleted

Amendment 65

Timothy Kirkhope

on behalf of the ECR Group

Motion for a resolution

Recital O a (new)

Motion for a resolution

Amendment

Oa. Whereas the European Union has competences in the area of law enforcement cooperation between Member States and international partners in relation to cross border issues, whereas this area has developed through the creation of TFTP and PNR agreements;

Amendment 66
Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution
Recital O b (new)

Motion for a resolution

Amendment

Ob. Whereas the European Treaties place the European Commission as the "Guardian of the Treaties", and therefore, it is the legal role of the European Commission to investigate any breaches of EU law;

Amendment 67
Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, Hélène Flautre, Rui Tavares, Raül Romeva i Rueda

Motion for a resolution
Recital P

Motion for a resolution

Amendment

P. whereas, ***under*** the ECHR, Member States' agencies and even private parties acting in the field of national security also have to respect the rights enshrined therein, be they of their own citizens or ***of*** citizens of other States; whereas this ***also goes for*** cooperation with other States' authorities in the field of national security;

P. whereas, ***in accordance with Article 6 TEU, covering the EU Charter of Fundamental Rights and*** the ECHR, Member States' agencies and even private parties acting in the field of national security also have to respect the rights enshrined therein, be they of their own citizens or citizens of other States; whereas this ***goes also as far as*** cooperation with other States' authorities in the field of national security ***is concerned***;

Amendment 68

Axel Voss, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Arnaud Danjean, Timothy Kirkhope, Salvador Sedó i Alabart

Motion for a resolution

Recital P

Motion for a resolution

P. whereas, under the ECHR, Member States' agencies and even private parties acting in the field of national security also have to respect the rights enshrined therein, be they of their own citizens or of citizens of other States; ***whereas this also goes for cooperation with other States' authorities in the field of national security;***

Amendment

P. whereas, under the ECHR, Member States' agencies and even private parties acting in the field of national security ***under certain circumstances*** also have to respect the rights enshrined therein, be they of their own citizens or of citizens of other States;

Or. en

Amendment 69

Sophia in 't Veld, Nadja Hirsch

Motion for a resolution

Recital Q

Motion for a resolution

Q. whereas the extra-territorial application by a third country of its laws, regulations and other legislative or executive instruments in situations falling under the jurisdiction of the EU or its Member States may impact on the established legal order and the rule of law, or even violate international or EU law, including the rights of natural and legal persons, taking into account the extent and the declared or actual aim of such an application; whereas, in these exceptional circumstances, it is necessary to take action at the EU level to ensure that the rule of law, and the rights of natural and legal persons are respected within the EU, in particular by removing, neutralising, blocking or otherwise

Amendment

Q. whereas the extra-territorial application by a third country of its laws, regulations and other legislative or executive instruments in situations falling under the jurisdiction of the EU or its Member States may impact on the established legal order and the rule of law, or even violate international or EU law, including the rights of natural and legal persons, taking into account the extent and the declared or actual aim of such an application; whereas, in these exceptional circumstances, it is necessary to take action at the EU level to ensure that the ***EU values enshrined in Article 2 TEU, in the Charter of fundamental rights, in the ECHR and in Member States' Constitutions, i.e.***

countering the effects of the foreign legislation concerned;

fundamental rights, democracy and the rule of law, and the rights of natural and legal persons as enshrined in secondary legislation applying these fundamental principles, are respected within the EU, in particular by removing, neutralising, blocking or otherwise countering the effects of the foreign legislation concerned;

Or. en

Amendment 70

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H  l  ne Flautre, Rui Tavares, Ra  l Romeva i Rueda

Motion for a resolution

Recital Q

Motion for a resolution

Q. whereas the extra-territorial application by a third country of its laws, regulations and other legislative or executive instruments in situations falling under the jurisdiction of the EU or its Member States may impact on the established legal order and the rule of law, or even violate international or EU law, including the rights of natural and legal persons, taking into account the extent and the declared or actual aim of such an application; whereas, in these *exceptional* circumstances, it is necessary to take action at the EU level to ensure that the rule of law, and the rights of natural and legal persons are respected within the EU, in particular by removing, neutralising, blocking or otherwise countering the effects of the foreign legislation concerned;

Amendment

Q. whereas the extra-territorial application by a third country of its laws, regulations and other legislative or executive instruments in situations falling under the jurisdiction of the EU or its Member States may impact on the established legal order and the rule of law, or even violate international or EU law, including the rights of natural and legal persons, taking into account the extent and the declared or actual aim of such an application; whereas, in these circumstances, it is necessary to take action at the EU level to ensure that the rule of law, and the rights of natural and legal persons are respected within the EU, in particular by removing, neutralising, blocking or otherwise countering the effects of the foreign legislation concerned;

Or. en

Amendment 71

Axel Voss, V  ronique Mathieu Houillon, Agust  n D  az de Mera Garc  a Consuegra,

Teresa Jiménez-Becerril Barrio, Salvador Sedó i Alabart

Motion for a resolution

Recital Q

Motion for a resolution

Q. whereas the extra-territorial application by a third country of its laws, regulations and other legislative or executive instruments in situations falling under the jurisdiction of the EU or its Member States may impact on the established legal order and the rule of law, or even violate international or EU law, including the rights of natural and legal persons, taking into account the extent and the declared or actual aim of such an application; whereas, in these exceptional circumstances, it is necessary to take action at the EU level to ensure that the rule of law, and the rights of natural and legal persons are respected within the EU, *in particular* by removing, neutralising, blocking or otherwise countering the effects of the foreign legislation concerned;

Amendment

Q. whereas the extra-territorial application by a third country of its laws, regulations and other legislative or executive instruments in situations falling under the jurisdiction of the EU or its Member States may impact on the established legal order and the rule of law, or even violate international or EU law, including the rights of natural and legal persons, taking into account the extent and the declared or actual aim of such an application; whereas, in these exceptional circumstances, it is necessary to take action at the EU level to ensure that the rule of law, and the rights of natural and legal persons are respected within the EU, *for example* by removing, neutralising, blocking or otherwise countering the effects of the foreign legislation concerned;

Or. en

Amendment 72

Axel Voss, Ágnes Hankiss, Hubert Pirker, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Arnaud Danjean, Timothy Kirkhope, Salvador Sedó i Alabart

Motion for a resolution

Recital R

Motion for a resolution

R. whereas the transfer of personal data by EU institutions, bodies, offices or agencies or by the Member States to the US for law enforcement purposes in the absence of adequate safeguards and protections for the respect of fundamental rights of EU citizens, in particular the

Amendment

deleted

rights to privacy and the protection of personal data, would make that EU institution, body, office or agency or that Member State liable, under Article 340 TFEU or the established case law of the CJEU²⁷, for breach of EU law – which includes any violation of the fundamental rights enshrined in the EU Charter;

²⁷ See notably *Joined Cases C-6/90 and C-9/90, Francovich and others v. Italy*, judgment of 28 May 1991.

Or. en

Amendment 73
Sophia in 't Veld, Nadja Hirsch

Motion for a resolution
Recital R a (new)

Motion for a resolution

Amendment

Ra. whereas international negotiations on data protection agreements cannot set aside EU rules on access to documents, notably Regulation 1049/2001, whereas negotiation documents cannot automatically be withheld from the public based on the sole request of (one of the) negotiating parties;

Or. en

Amendment 74
Axel Voss, Ágnes Hankiss, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Salvador Sedó i Alabart

Motion for a resolution
Recital R a (new)

Motion for a resolution

Amendment

Ra. whereas the transfer of data is not geographically limited and especially in terms of increasing globalisation and worldwide communication the EU legislator is confronted with new challenges in terms of protecting personal data and communication, therefore it is of utmost importance to foster legal frameworks on common standards;

Or. en

Amendment 75

Axel Voss, Georgios Papanikolaou, Elena Oana Antonescu, Anna Maria Corazza Bildt, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Salvador Sedó i Alabart

**Motion for a resolution
Recital R b (new)**

Motion for a resolution

Amendment

Rb. whereas the mass collection of personal data for commercial purposes and in the fight against terror and serious transnational crime put at risk the personal data and privacy rights of EU citizens;

Or. en

Amendment 76

Axel Voss, Georgios Papanikolaou, Anna Maria Corazza Bildt, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Timothy Kirkhope, Salvador Sedó i Alabart

**Motion for a resolution
Recital S**

Motion for a resolution

S. whereas the US data protection legal framework **does not** ensure an adequate level of protection for EU citizens;

Amendment

S. whereas the US data protection legal framework **should** ensure an adequate level of protection for EU citizens;

Or. en

Amendment 77

Axel Voss, Hubert Pirker, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Salvador Sedó i Alabart

Motion for a resolution

Recital U a (new)

Motion for a resolution

Amendment

Ua. whereas in its working document 4 on US Surveillance activities with respect to EU data and its possible legal implications on transatlantic agreements and cooperation of 12 December 2013 the Rapporteurs expressed doubts and concerns as to the adequacy of the Safe Harbour and called on the Commission to end the adequacy of Safe Harbour and to find new legal solutions;

Or. en

Amendment 78

Sophia in 't Veld, Nadja Hirsch

Motion for a resolution

Recital AA

Motion for a resolution

Amendment

AA. whereas Safe Harbour Principles may be limited 'to the extent necessary to meet national security, public interest, or law enforcement requirements'; whereas, as an exception to a fundamental right, such an

AA. whereas Safe Harbour Principles may be limited 'to the extent necessary to meet national security, public interest, or law enforcement requirements'; whereas, as an exception to a fundamental right, such an

exception must always be interpreted restrictively and be limited to what is necessary and proportionate in a democratic society, and the law must clearly establish the conditions and safeguards to make this limitation legitimate; whereas such an exception should not be used in a way that undermines the protection afforded by EU data protection law and the Safe Harbour principles;

exception must always be interpreted restrictively and be limited to what is necessary and proportionate in a democratic society, and the law must clearly establish the conditions and safeguards to make this limitation legitimate; ***whereas the scope of application of such exception should have been clarified by the US and the EU, notably by the Commission, to avoid any interpretation or implementation that nullifies in substance the fundamental right to privacy and data protection, among others;*** whereas ***consequently*** such an exception should not be used in a way that undermines ***or nullifies*** the protection afforded by ***Charter of Fundamental Rights, the ECHR, the*** EU data protection law and the Safe Harbour principles; ***insists that in case the national security exception is invoked, it must be specified under which national law;***

Or. en

Amendment 79
Cornelia Ernst

Motion for a resolution
Recital AB

Motion for a resolution

AB. whereas large-scale access by US intelligence agencies has seriously eroded ***transatlantic trust and negatively impacted on the*** trust for US organisations acting in the EU; whereas this is further exacerbated by the lack of judicial and administrative redress for EU citizens under US law, particularly in cases of surveillance activities for intelligence purposes;

Amendment

AB. whereas large-scale access by US intelligence agencies has seriously eroded trust for US organisations acting in the EU; whereas this is further exacerbated by the lack of judicial and administrative redress for EU citizens under US law, particularly in cases of surveillance activities for intelligence purposes;

Or. en

Amendment 80

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra il Romeva i Rueda

Motion for a resolution

Recital AC

Motion for a resolution

AC. whereas according to *the* information revealed and *to* the findings of the inquiry conducted by the LIBE Committee, *the* national security agencies of New Zealand and Canada *have been* involved *on a* large scale in mass surveillance of electronic communications and *have* actively cooperated with the US under the so called ‘Five eyes’ programme, *and may* have exchanged *with each other* personal data of EU citizens transferred from the EU;

Amendment

AC. whereas according to information revealed and the findings of the inquiry conducted by the LIBE Committee, national security agencies of New Zealand and Canada *are* involved *in* large scale in mass surveillance of electronic communications and actively cooperated with the US, *the UK and Australia*, under the so called “Five eyes” programme *and* have exchanged personal data of EU citizens transferred from the EU *to each other*;

Or. en

Amendment 81

Josef Weidenholzer, Birgit Sippel

Motion for a resolution

Recital AC

Motion for a resolution

AC. whereas according to the information revealed and to the findings of the inquiry conducted by the LIBE Committee, the national security agencies of New Zealand *and Canada* have been involved on a large scale in mass surveillance of electronic communications and have actively cooperated with the US under the so called ‘Five eyes’ programme, and may have exchanged with each other personal data of EU citizens transferred from the EU;

Amendment

AC. whereas according to the information revealed and to the findings of the inquiry conducted by the LIBE Committee, the national security agencies of New Zealand, *Canada and Australia* have been involved on a large scale in mass surveillance of electronic communications and have actively cooperated with the US under the so called ‘Five eyes’ programme, and may have exchanged with each other personal data of EU citizens transferred from the EU;

Amendment 82

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H  l  ne Flautre, Rui Tavares, Ra  l Romeva i Rueda

Motion for a resolution

Recital AI

Motion for a resolution

AI. whereas national data protection authorities have developed binding corporate rules (BCRs) in order to facilitate international transfers within a multinational corporation with adequate safeguards with respect to the protection of the privacy and fundamental rights and freedoms of individuals and as regards the exercise of the corresponding rights; whereas before being used, BCRs need to be authorised by the Member States' competent authorities after the latter have assessed compliance with Union data protection law;

Amendment

AI. whereas national data protection authorities have developed binding corporate rules (BCRs) in order to facilitate international transfers within a multinational corporation with adequate safeguards with respect to the protection of the privacy and fundamental rights and freedoms of individuals and as regards the exercise of the corresponding rights; whereas before being used, BCRs need to be authorised by the Member States' competent authorities after the latter have assessed compliance with Union data protection law; ***whereas BCRs for data processors have been rejected in the LIBE Committee report on the General Data Protection Regulation, as they would leave the data controller and the data subject without any control over the jurisdiction in which their data is processed;***

Amendment 83

Sophia in 't Veld, Nadja Hirsch

Motion for a resolution

Recital AI a (new)

Motion for a resolution

Amendment

AIa. whereas the European Parliament,

given its competence stipulated by Article 218 TFEU, has the responsibility to continuously monitor the value of international agreements it has given its consent to;

Or. en

Amendment 84
Cornelia Ernst

Motion for a resolution
Recital AJ

Motion for a resolution

AJ. whereas in its resolution of 23 October 2013 the European Parliament expressed serious concerns about the revelations concerning the NSA's activities as regards direct access to financial payments messages and related data, which would constitute a clear breach of the Agreement, in particular Article 1 thereof;

Amendment

AJ. whereas in its resolution of 23 October 2013 the European Parliament expressed serious concerns about the revelations concerning the NSA's activities as regards direct access to financial payments messages and related data, which would constitute a clear breach of the **TFTP** Agreement, in particular Article 1 thereof;

Or. en

Amendment 85
Axel Voss, Ágnes Hankiss, Hubert Pirker, Anna Maria Corazza Bildt, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Timothy Kirkhope, Salvador Sedó i Alabart

Motion for a resolution
Recital AJ a (new)

Motion for a resolution

AJa. whereas terrorist finance tracking is an essential tool in the fight against terrorism financing and serious crime, allowing counter terrorism investigators to discover links between targets of investigation and other potential suspects connected with wider terrorist networks

suspected of financing terrorism;

Or. en

Amendment 86

Axel Voss, Ágnes Hankiss, Anna Maria Corazza Bildt, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Timothy Kirkhope, Salvador Sedó i Alabart

Motion for a resolution

Recital AK

Motion for a resolution

Amendment

AK. whereas the European Parliament asked the Commission to suspend the Agreement and requested that all relevant information and documents be made available immediately for Parliament's deliberations;

deleted

Or. en

Amendment 87

Cornelia Ernst

Motion for a resolution

Recital AK

Motion for a resolution

Amendment

AK. whereas the European Parliament asked the Commission to suspend the Agreement and requested that all relevant information and documents be made available immediately for Parliament's deliberations;

AK. whereas the European Parliament asked the Commission to suspend the Agreement and requested that all relevant information and documents be made available immediately for Parliament's deliberations; *whereas the Commission has done neither;*

Or. en

Amendment 88

Monika Hohlmeier, Agustín Díaz de Mera García Consuegra, Véronique Mathieu Houillon, Axel Voss

Motion for a resolution

Recital AK a (new)

Motion for a resolution

Amendment

AKa. whereas the Commission outlined in its communication on a European terrorist finance tracking system (TFTS) that an own system would decrease the dependence from foreign intelligence providers and could strengthen the EU's own analytical capacity to track and identify terrorists through financial transactions whilst upholding and safeguarding the fundamental rights as enshrined in the Charter of Fundamental rights of the European Union;

Or. en

Amendment 89

Sophia in 't Veld, Nadja Hirsch

Motion for a resolution

Recital AL

Motion for a resolution

Amendment

AL. whereas following the allegations published by the media, the Commission decided to open consultations with the US pursuant to Article 19 of the TFTP Agreement; whereas on 27 November 2013 Commissioner Malmström informed the LIBE Committee that, after meeting US authorities and in view of the replies given by the US authorities in their letters and during their meetings, the Commission had decided not to pursue the consultations on the grounds that there were no elements showing that the US Government has acted in a manner contrary to the provisions of

AL. whereas following the allegations published by the media, the Commission decided to open consultations with the US pursuant to Article 19 of the TFTP Agreement; whereas on 27 November 2013 Commissioner Malmström informed the LIBE Committee that, after meeting US authorities and in view of the replies given by the US authorities in their letters and during their meetings, the Commission had decided not to pursue the consultations on the grounds 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;

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; ***whereas it is not clear whether the US authorities have circumvented the Agreement by accessing such data through other means, as indicated in the letter of 18 September 2013 by the US authorities^{30a};***

^{30a} [1] ***The letter states that "the US government seeks and obtains financial information [...] (which) is collected through regulatory, law enforcement, diplomatic and intelligence channels, as well as through exchanges with foreign partners [...] the US Government is using the TFTP to obtain SWIFT data that we do not obtain from other sources";***

Or. en

Amendment 90

Axel Voss, Hubert Pirker, Anna Maria Corazza Bildt, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Arnaud Danjean, Timothy Kirkhope, Ágnes Hankiss, Salvador Sedó i Alabart

Motion for a resolution

Recital AM

Motion for a resolution

AM. whereas during the LIBE delegation to Washington of 28-31 October 2013 the delegation met with the US Department of the Treasury; whereas the US Treasury stated that ***since the entry into force of the TFTP Agreement it had not had access to data from SWIFT in the EU except within the framework of the TFTP***; whereas the US Treasury ***refused to comment on whether SWIFT data would have been accessed outside TFTP by any other US government body or department or***

Amendment

AM. whereas during the LIBE delegation to Washington of 28-31 October 2013 the delegation met with the US Department of the Treasury; whereas the US Treasury ***officially*** stated that ***the US government (the NSA is in that sense considered part of the government) has not been collecting and processing SWIFT data in any other way than as recognised in the agreement***, whereas the US ***Department of the Treasury also gave assurances in relation to access to SWIFT formatted***

whether *the US administration* was aware of NSA mass surveillance activities; whereas on **18 December 2013 Mr Glenn Greenwald** stated before the LIBE Committee inquiry that *the NSA and GCHQ had targeted SWIFT networks*;

messages in accordance with other legal tools in place; whereas the US Department of the Treasury did not comment on whether or not it was aware of NSA mass surveillance activities; whereas on **24 September 2013 Europol and SWIFT officials** stated before the LIBE inquiry that *there were no indications for a breach of the TFTP Agreement by the NSA*;

Or. en

Amendment 91
Sophia in 't Veld, Nadja Hirsch

Motion for a resolution
Recital AN a (new)

Motion for a resolution

Amendment

ANa. whereas the European Commission reassured the Parliament to create a TFTP data extraction system on EU soil, whereas up until now the Commission has not proposed the establishment of such a system, considers the Commission has not fulfilled one of the conditions for Parliament to give its consent;

Or. en

Amendment 92
Sophia in 't Veld, Nadja Hirsch

Motion for a resolution
Recital AN b (new)

Motion for a resolution

Amendment

ANb. whereas the Commission has reserved 50 million EUR for the development of PNR systems by the Member States, whereas the European

Parliament has not adopted the EU PNR directive;

Or. en

Amendment 93

Axel Voss, Hubert Pirker, Anna Maria Corazza Bildt, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Arnaud Danjean, Timothy Kirkhope, Salvador Sedó i Alabart

Motion for a resolution

Recital AP

Motion for a resolution

AP. whereas *the Joint Review fails to mention the fact that in the case of processing of personal data for intelligence purposes, under US law, non-US citizens do not enjoy any judicial or administrative avenue to protect their rights, and constitutional protections are only granted to US persons; whereas this lack of judicial or administrative rights nullifies the protections for EU citizens laid down in the existing PNR agreement;*

Amendment

AP. whereas *Article 13 of the agreement between the United States of America and the European Union on the use of passenger name records to the United States Department of Homeland Security allows any individual regardless of nationality, country or origin, or place of residence, whose personal data and personal information has been processed and used in a manner inconsistent with the PNR Agreement, to seek effective administrative and judicial redress in accordance with US law;*

Or. en

Amendment 94

Axel Voss, Ágnes Hankiss, Hubert Pirker, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Timothy Kirkhope, Salvador Sedó i Alabart

Motion for a resolution

Recital AR

Motion for a resolution

AR. whereas the purpose of this general agreement is to establish the legal framework for all transfers of personal data

Amendment

AR. whereas the purpose of this general agreement is to establish the legal framework for all transfers of personal data

between the EU and US for the sole purposes of preventing, investigating, detecting or prosecuting criminal offences, including terrorism, in the framework of police and judicial cooperation in criminal matters; whereas negotiations were authorised by the Council on 2 December 2010;

between the EU and US for the sole purposes of preventing, investigating, detecting or prosecuting criminal offences, including terrorism, in the framework of police and judicial cooperation in criminal matters; whereas negotiations were authorised by the Council on 2 December 2010; ***whereas this agreement is of utmost importance and it would act as the basis to facilitate data transfer in the context of police and judicial cooperation and in criminal matters;***

Or. en

Amendment 95

Axel Voss, Elena Oana Antonescu, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Timothy Kirkhope, Salvador Sedó i Alabart

Motion for a resolution

Recital AS

Motion for a resolution

AS. whereas this agreement should provide for clear and precise legally binding data-processing principles and should in particular recognise EU citizens' right to access, rectification and erasure of their personal data in the US, as well as the right to an efficient administrative and judicial redress mechanism for EU citizens and independent oversight of the data-processing activities;

Amendment

AS. whereas this agreement should provide for clear and precise legally binding data-processing principles and should in particular recognise EU citizens' right to ***judicial*** access, rectification and erasure of their personal data in the US, as well as the right to an efficient administrative and judicial redress mechanism for EU citizens ***in the US*** and independent oversight of the data-processing activities;

Or. en

Amendment 96

Anna Maria Corazza Bildt

Motion for a resolution

Recital AU

Motion for a resolution

AU. whereas negotiations on the agreement have not progressed because of ***the US Government's persistent position of refusing*** recognition of effective rights of administrative and judicial redress to EU citizens and ***because of the intention of providing broad derogations to the*** data protection principles contained in the agreement, such as purpose limitation, data retention or onward transfers either domestically or abroad;

Amendment

AU. whereas negotiations on the agreement have not progressed because of ***difficulties in finding agreement on the*** recognition of effective rights of administrative and judicial redress to EU citizens and ***on important*** data protection principles contained in the agreement, such as purpose limitation, data retention or onward transfers either domestically or abroad;

Or. en

Amendment 97

Cornelia Ernst, Martin Ehrenhauser

Motion for a resolution

Recital AX

Motion for a resolution

AX. whereas, although the European Council of 24/25 October 2013 called for the timely adoption of a strong EU General Data Protection framework in order to foster the trust of citizens and businesses in the digital economy, the Council has been unable to arrive at a general approach on the General Data Protection Regulation and the Directive³⁴ ;

³⁴http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/139197.pdf

Amendment

AX. whereas, although the European Council of 24/25 October 2013 called for the timely adoption of a strong EU General Data Protection framework in order to foster the trust of citizens and businesses in the digital economy, ***after two years of deliberations***, the Council has ***still*** been unable to arrive at a general approach on the General Data Protection Regulation and the Directive³⁴ ;

³⁴http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/139197.pdf

Or. en

Amendment 98

Cornelia Ernst, Martin Ehrenhauser

Motion for a resolution
Recital AY

Motion for a resolution

AY. whereas the resolution of 10 December³⁵ emphasises the economic potential of ‘cloud computing’ business for growth and employment;

Amendment

deleted

³⁵ AT-0353/2013 PE506.114V2.00.

Or. en

Amendment 99
Cornelia Ernst

Motion for a resolution
Recital BA

Motion for a resolution

BA. whereas mass surveillance activities give intelligence agencies access to personal data stored by EU individuals under cloud services agreements with major US cloud providers; whereas the US intelligence authorities have accessed personal data stored in servers located on EU soil by tapping into the internal networks of Yahoo and Google³⁶; whereas such activities constitute a violation of international obligations; whereas it is not excluded that information stored in cloud services by Member States’ public authorities or undertakings and institutions has also been accessed by intelligence authorities;

³⁶ The Washington Post , 31 October 2013.

Amendment

BA. whereas mass surveillance activities give intelligence agencies access to personal data stored **or otherwise processed** by EU individuals under cloud services agreements with major US cloud providers; whereas the US intelligence authorities have accessed personal data stored in servers located on EU soil by tapping into the internal networks of Yahoo and Google³⁶; whereas such activities constitute a violation of international obligations; whereas it is not excluded that information stored in cloud services by Member States’ public authorities or undertakings and institutions has also been accessed by intelligence authorities;

³⁶ The Washington Post , 31 October 2013.

Or. en

Amendment 100
Sophia in 't Veld, Nadja Hirsch

Motion for a resolution
Recital BA

Motion for a resolution

BA. whereas mass surveillance activities give intelligence agencies access to personal data stored by EU individuals under cloud services agreements with major US cloud providers; whereas the US intelligence authorities have accessed personal data stored in servers located on EU soil by tapping into the internal networks of Yahoo and Google³⁶; whereas such activities constitute a violation of international obligations; whereas it is not excluded that information stored in cloud services by Member States' public authorities or undertakings and institutions has also been accessed by intelligence authorities;

³⁶ The Washington Post , 31 October 2013.

Amendment

BA. whereas mass surveillance activities give intelligence agencies access to personal data stored by EU individuals under cloud services agreements with major US cloud providers; whereas the US intelligence authorities have accessed personal data stored in servers located on EU soil by tapping into the internal networks of Yahoo and Google³⁶; whereas such activities constitute a violation of international obligations ***and European fundamental rights standards, as enshrined in the Charter of Fundamental Rights, the ECHR, Member States Constitutions and secondary law***; whereas it is not excluded that information stored in cloud services by Member States' public authorities or undertakings and institutions has also been accessed by intelligence authorities;

³⁶ The Washington Post, 31 October 2013.

Or. en

Amendment 101
Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra l Romeva i Rueda, Carl Schlyter

Motion for a resolution
Recital BA a (new)

Motion for a resolution

Amendment

BAa. whereas US intelligence agencies

have a policy of systematically undermining cryptographic protocols and products in order to be able to intercept even encrypted communication; whereas the US National Security Agency has collected vast numbers of so called "zero-day exploits" – IT security vulnerabilities that are not yet known to the public or the product vendor; whereas such activities massively undermine global efforts to improve IT security;

Or. en

Amendment 102
Nadja Hirsch, Sophia in 't Veld

Motion for a resolution
Recital BA a (new)

Motion for a resolution

Amendment

BAa. Whereas the fact that intelligence agencies have accessed personal data of users of online services has severely distorted the trust of citizens in such services and therefore has an adverse effect on businesses investing in the development of new services using "Big Data" and new applications, such as the "Internet of Things";

Or. en

Amendment 103
Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra il Romeva i Rueda

Motion for a resolution
Recital BA b (new)

Motion for a resolution

Amendment

BAb. whereas IT vendors often deliver

products that have not been properly tested for IT security or that even sometimes have back-doors implanted purposefully by the vendor; whereas the lack of liability rules for software vendors has led to such a situation which is in turn exploited by intelligence agencies, but also leaves the risk of attacks by other entities;

Or. en

Amendment 104
Nadja Hirsch, Sophia in 't Veld

Motion for a resolution
Recital BA b (new)

Motion for a resolution

Amendment

BAb. Whereas it is essential for companies providing such new services and applications to respect the data protection rules and privacy of data subjects whose data is collected, processed and analysed in order to maintain a high level of trust among citizens;

Or. en

Amendment 105
Judith Sargentini, Jan Philipp Albrecht, Jean Lambert, H el ene Flautre, Rui Tavares, Ra l Romeva i Rueda

Motion for a resolution
Recital BB

Motion for a resolution

Amendment

BB. whereas intelligence services ***perform an important function*** in protecting democratic society against internal and external threats; whereas they are given special powers and capabilities to this end;

BB. whereas intelligence services ***can provide help*** in protecting ***the*** democratic society against internal and external threats ***subject to democratic accountability and judicial oversight***; whereas they are given

whereas these powers are to be used within the rule of law, as otherwise they risk losing legitimacy and **eroding** the democratic nature of society;

special powers and capabilities to this end; whereas these powers are to be **limited to the extent strictly necessary and proportionate and** used within the rule of law as otherwise they risk losing legitimacy and **erode** the democratic nature of society;

Or. en

Amendment 106
Cornelia Ernst

Motion for a resolution
Recital BB

Motion for a resolution

BB. whereas intelligence services **perform an important function in protecting democratic society** against internal and external threats; **whereas they are given special powers and capabilities to this end**; whereas these powers are to be used within the rule of law, as otherwise they risk losing legitimacy and eroding the democratic nature of society;

Amendment

BB. whereas intelligence services **are given special powers and capabilities to protect the state** against internal and external threats; whereas these powers are to be used within the rule of law, as otherwise they risk losing legitimacy and eroding the democratic nature of society;

Or. en

Amendment 107
Cornelia Ernst

Motion for a resolution
Recital BB

Motion for a resolution

BB. whereas intelligence services perform an important function in protecting democratic society against internal and external threats; whereas they are given special powers and capabilities to this end; whereas these powers **are to** be used within

Amendment

BB. whereas intelligence services perform an important function in protecting democratic society against internal and external threats; whereas they are given special powers and capabilities to this end; whereas these powers **must** be used within

the rule of law, as otherwise they risk losing legitimacy and eroding the democratic nature of society;

the rule of law **and their application strictly scrutinised**, as otherwise they risk losing legitimacy and eroding the democratic nature of society, **thereby defeating their cause**;

Or. en

Amendment 108
Sophia in 't Veld, Nadja Hirsch

Motion for a resolution
Recital BB

Motion for a resolution

BB. whereas intelligence services **perform an important function in protecting democratic society** against internal and external threats; whereas they are given special powers and capabilities to this end; whereas these powers are to be used within the rule of law, as otherwise they **risk losing** legitimacy and **eroding the democratic nature of society**;

Amendment

BB. whereas intelligence services **in democratic societies have the mission to protect fundamental rights, democracy and the rule of law, citizens' rights and the State** against internal and external **serious** threats; whereas they are given special powers and capabilities **only** to this end; whereas these powers are to be used within the **legal limits imposed by fundamental rights, democracy and the rule of law**, as otherwise they **lose** legitimacy and **risk undermining democracy on the ground of defending it**;

Or. en

Amendment 109
Cornelia Ernst

Motion for a resolution
Recital BC

Motion for a resolution

BC. whereas the high level of secrecy that is intrinsic to the intelligence services in order to avoid endangering ongoing operations, revealing modi operandi or

Amendment

BC. whereas the high level of secrecy that is intrinsic to the intelligence services in order to avoid endangering ongoing operations, revealing modi operandi or

putting at risk the lives of agents impedes **full** transparency, public scrutiny and normal democratic or judicial examination;

putting at risk the lives of agents impedes transparency, public scrutiny and normal democratic or judicial examination, **all of which are cornerstones in a democratic society**;

Or. en

Amendment 110
Sophia in 't Veld, Nadja Hirsch

Motion for a resolution
Recital BC

Motion for a resolution

BC. whereas the **high** level of secrecy **that is intrinsic to the** intelligence services in order to avoid endangering ongoing operations, revealing modi operandi or putting at risk the lives of agents **impedes full transparency, public scrutiny and normal** democratic **or** judicial examination;

Amendment

BC. whereas the **fact that a certain** level of secrecy **is conceded to** intelligence services in order to avoid endangering ongoing operations, revealing modi operandi or putting at risk the lives of agents, **such secrecy cannot override or exclude rules on democratic and judicial scrutiny and examination of their activities, as well as on transparency, notably in relation to the respect of fundamental rights, democracy and the rule of law**;

Or. en

Amendment 111
Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra l Romeva i Rueda

Motion for a resolution
Recital BD

Motion for a resolution

BD. whereas technological developments have **led to** increased international intelligence cooperation, also involving the exchange of personal data, and often blurring the line between intelligence and

Amendment

BD. whereas technological developments have **been used for** increased international intelligence cooperation, also involving the exchange of personal data, and often blurring the line between intelligence and

law enforcement activities;

law enforcement activities;

Or. en

Amendment 112
Anna Maria Corazza Bildt

Motion for a resolution
Recital BD

Motion for a resolution

BD. whereas technological developments have led to increased international intelligence cooperation, also involving the exchange of personal data, ***and often blurring the line between intelligence and law enforcement activities;***

Amendment

BD. whereas technological developments have led to increased international intelligence cooperation, also involving the exchange of personal data;

Or. en

Amendment 113
Cornelia Ernst

Motion for a resolution
Recital BD

Motion for a resolution

BD. whereas technological developments have ***led to*** increased international intelligence cooperation, ***also involving the*** exchange of personal data, ***and often blurring the line between intelligence and law enforcement activities;***

Amendment

BD. whereas technological developments have ***allowed for*** increased international intelligence cooperation, ***inter alia through the large scale*** exchange of personal data;

Or. en

Amendment 114
Cornelia Ernst, Martin Ehrenhauser

Motion for a resolution
Recital BD a (new)

Motion for a resolution

Amendment

B***D******a***. *whereas legal developments in the EU, certain Member States and the US have blurred the line between intelligence and law enforcement activities;*

Or. en

Amendment 115

Jan Philipp Albrecht; Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra il Romeva i Rueda

Motion for a resolution
Recital BE

Motion for a resolution

Amendment

BE. whereas most of existing national oversight mechanisms and bodies were set up or revamped in the 1990s and have not necessarily been adapted to the rapid technological developments over the last decade;

BE. whereas most of existing national oversight mechanisms and bodies were set up or revamped in the 1990s and have not necessarily been adapted to the rapid ***political and*** technological developments over the last decade;

Or. en

Amendment 116
Cornelia Ernst

Motion for a resolution
Recital BE

Motion for a resolution

Amendment

BE. whereas most of existing national oversight mechanisms and bodies were set up or revamped in the 1990s and have not necessarily been adapted to the rapid technological developments over the last decade;

BE. whereas most of existing national oversight mechanisms and bodies were set up or revamped in the 1990s and have not necessarily been adapted to the rapid technological ***and legal*** developments over the last decade;

Amendment 117
Anna Maria Corazza Bildt

Motion for a resolution
Recital BF

Motion for a resolution

BF. whereas democratic oversight of intelligence activities *is still* conducted at national level, *despite the increase in exchange of information between EU Member States and between Member States and third countries; whereas there is an increasing gap between the level of international cooperation on the one hand and oversight capacities limited to the national level on the other, which results in insufficient and ineffective democratic scrutiny;*

Amendment

BF. whereas democratic oversight of intelligence activities *should be* conducted at national level;

Amendment 118
Cornelia Ernst

Motion for a resolution
Recital BF

Motion for a resolution

BF. whereas democratic oversight of intelligence activities is still conducted at national level, despite the increase in exchange of information between EU Member States and between Member States and third countries; whereas there is an increasing gap between the level of international cooperation on the one hand and oversight capacities limited to the national level on the other, which results in insufficient and ineffective democratic

Amendment

BF. whereas democratic oversight of intelligence activities is still *only* conducted at national level, despite the increase in exchange of information between EU Member States and between Member States and third countries; whereas there is an increasing gap between the level of international cooperation on the one hand and oversight capacities limited to the national level on the other, which results in insufficient and ineffective

scrutiny;

democratic scrutiny;

Or. en

Amendment 119
Claude Moraes

Motion for a resolution
Recital BF a (new)

Motion for a resolution

Amendment

BFa. whereas national oversight bodies often do not have full access to intelligence received from a foreign intelligence agency which can lead to gaps in which international information exchanges can take place without adequate review; whereas this problem is further aggravated by the so-called "third party rule" or the principle of "originator control", which has been designed to enable the originator to maintain control on the further dissemination of its sensitive information but is unfortunately often interpreted as applying also to the recipient services' oversight;

Or. en

Amendment 120
Claude Moraes

Motion for a resolution
Recital BF b (new)

Motion for a resolution

Amendment

BFb. Whereas private and public transparency reform initiatives are key to ensuring public trust in the activities of intelligence agencies; whereas legal systems should not prevent companies from disclosing to the public information

about how they handle all types of government requests and court orders for access to user data, including the possibility of disclosing aggregate information on the number of requests and orders approved and rejected;

Or. en

Amendment 121
Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution
Paragraph 1

Motion for a resolution

Amendment

1. Considers that recent revelations in the press by whistleblowers and journalists, together with the expert evidence given during this inquiry, have resulted in compelling evidence of the existence of far-reaching, complex and highly technologically advanced systems designed by US and some Member States' intelligence services to collect, store and analyse communication and location data and metadata of all citizens around the world on an unprecedented scale and in an indiscriminate and non-suspicion-based manner;

deleted

Or. en

Amendment 122
Sophia in 't Veld, Nadja Hirsch

Motion for a resolution
Paragraph 1

Motion for a resolution

Amendment

1. Considers that recent revelations in the

1. Considers that recent revelations in the

press by whistleblowers and journalists, together with the expert evidence given during this inquiry, have resulted in compelling evidence of the existence of far-reaching, complex and highly technologically advanced systems designed by US and some Member States' intelligence services to collect, store and analyse communication **and** location data and metadata of all citizens around the world on an unprecedented scale and in an indiscriminate and non-suspicion-based manner;

press by whistleblowers and journalists, together with the expert evidence given during this inquiry, **admissions by authorities, and the lack of denial with respect to certain allegations**, have resulted in compelling evidence of the existence of far-reaching, complex and highly technologically advanced systems designed by US and some Member States' intelligence services to collect, store and analyse communication **data, including content data**, location data and metadata of all citizens around the world on an unprecedented scale and in an indiscriminate and non-suspicion-based manner;

Or. en

Amendment 123
Anna Maria Corazza Bildt

Motion for a resolution
Paragraph 1

Motion for a resolution

1. Considers that recent revelations in the press by whistleblowers and journalists, together with the expert **evidence** given during this inquiry, have resulted in **compelling** evidence of the existence of far-reaching, complex and highly technologically advanced systems designed **by US and some Member States' intelligence services** to collect, store and analyse communication and location data and metadata of all citizens around the world on an unprecedented scale and in an indiscriminate and non-suspicion-based manner;

Amendment

1. Considers that recent revelations in the press by whistleblowers and journalists, together with the expert **presentations** given during this inquiry, have resulted in evidence of the existence of far-reaching, complex and highly technologically advanced systems designed to collect, store and analyse communication and location data and metadata of all citizens around the world on an unprecedented scale and in an indiscriminate and non-suspicion-based manner;

Or. en

Amendment 124

Axel Voss, Georgios Papanikolaou, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Arnaud Danjean, Salvador Sedó i Alabart

Motion for a resolution

Paragraph 1

Motion for a resolution

1. Considers that recent revelations in the press **by whistleblowers and journalists**, together with the expert evidence given during this inquiry, have resulted in compelling evidence of the existence of far-reaching, complex and highly technologically advanced systems **designed by US and some Member States' intelligence services** to collect, store and analyse communication and location data and metadata of all citizens around the world on an unprecedented scale and in an indiscriminate and non-suspicion-based manner;

Amendment

1. Considers that recent revelations in the press, together with the expert evidence given during this inquiry, have resulted in compelling evidence of the existence of far-reaching, complex and highly technologically advanced systems to collect, store and analyse communication and location data and metadata of all citizens around the world on an unprecedented scale and in an indiscriminate and non-suspicion-based manner; **recalls the importance of strengthening the existing structures in the Member States against mass surveillance; therefore considers of utmost importance a decentralised structure for the purpose of data retention;**

Or. en

Amendment 125

Timothy Kirkhope

on behalf of the ECR Group

Motion for a resolution

Paragraph 2

Motion for a resolution

2. Points specifically to US NSA intelligence programmes allowing for the mass surveillance of EU citizens through direct access to the central servers of leading US internet companies (PRISM programme), the analysis of content and

Amendment

deleted

metadata (Xkeyscore programme), the circumvention of online encryption (BULLRUN), access to computer and telephone networks and access to location data, as well as to systems of the UK intelligence agency GCHQ such as its upstream surveillance activity (Tempora programme) and decryption programme (Edgehill); believes that the existence of programmes of a similar nature, even if on a more limited scale, is likely in other EU countries such as France (DGSE), Germany (BND) and Sweden (FRA);

Or. en

Amendment 126

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra il Romeva i Rueda

Motion for a resolution Paragraph 2

Motion for a resolution

2. Points specifically to US NSA intelligence programmes allowing for the mass surveillance of EU citizens through direct access to the central servers of leading US internet companies (PRISM programme), the analysis of content and metadata (Xkeyscore programme), the circumvention of online encryption (BULLRUN), access to computer and telephone networks and access to location data, as well as to systems of the UK intelligence agency GCHQ such as *its* upstream surveillance activity (Tempora programme) and decryption programme (Edgehill); *believes* that the existence of programmes of a similar nature, even if on a more limited *scale*, is likely in other EU countries such as France (DGSE), Germany (BND) and Sweden (FRA);

Amendment

2. Points *out* specifically to US NSA intelligence programmes allowing for the mass surveillance of EU citizens through direct access to the central servers of leading US internet companies (PRISM programme), the analysis of content and metadata (Xkeyscore programme), the circumvention of online encryption (BULLRUN), access to computer and telephone networks, and access to location data, as well as to systems of the UK intelligence agency GCHQ such as *the* upstream surveillance activity (Tempora programme) and *the* decryption programme (Edgehill); *the targeted man-in-the-middle attacks on information systems (Quantumtheory and Foxacid programmes); the collection and retention of 200 million SMS text messages per day (Dishfire programme); considers* that the existence of programmes of a similar

nature, even if on a more limited *dimension*, is likely in other EU countries such as France (DGSE), Germany (BND) and Sweden (FRA);

Or. en

Amendment 127

Axel Voss, Anna Maria Corazza Bildt, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Arnaud Danjean, Salvador Sedó i Alabart

Motion for a resolution

Paragraph 2

Motion for a resolution

2. Points specifically to US NSA intelligence programmes allowing for the mass surveillance of EU citizens through direct access to the central servers of leading US internet companies (PRISM programme), the analysis of content and metadata (Xkeyscore programme), the circumvention of online encryption (BULLRUN), access to computer and telephone networks and access to location data, as well as to systems of the UK intelligence agency GCHQ such as its upstream surveillance activity (Tempora programme) and decryption programme (Edgehill); ***believes that the existence of programmes of a similar nature, even if on a more limited scale, is likely in other EU countries such as France (DGSE), Germany (BND) and Sweden (FRA);***

Amendment

2. Points specifically to US NSA intelligence programmes allowing for the mass surveillance of EU citizens through direct access to the central servers of leading US internet companies (PRISM programme), the analysis of content and metadata (Xkeyscore programme), the circumvention of online encryption (BULLRUN), access to computer and telephone networks and access to location data, as well as to systems of the UK intelligence agency GCHQ such as its upstream surveillance activity (Tempora programme) and decryption programme (Edgehill);

Or. en

Amendment 128

Anna Maria Corazza Bildt

Motion for a resolution

Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. Welcomes the recent declarations by President Obama to reform the NSA and its programmes, with a view to improve data protection safeguards also for non-US citizens;

Or. en

Amendment 129

Timothy Kirkhope

on behalf of the ECR Group

Motion for a resolution

Paragraph 3

Motion for a resolution

Amendment

3. Notes the allegations of ‘hacking’ or tapping into the Belgacom systems by the UK intelligence agency GCHQ; reiterates the indication by Belgacom that it could not confirm that EU institutions were targeted or affected, and that the malware used was extremely complex and required the use of extensive financial and staffing resources for its development and use that would not be available to private entities or hackers;

deleted

Or. en

Amendment 130

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, Hélène Flautre, Rui Tavares, Raül Romeva i Rueda

Motion for a resolution

Paragraph 3

Motion for a resolution

Amendment

3. Notes the allegations of ‘hacking’ or

3. Notes the allegations of ‘hacking’ or

tapping into the Belgacom systems by the UK intelligence agency GCHQ; *reiterates* the indication by Belgacom that it could not confirm that EU institutions were targeted or affected, and that the malware used was extremely complex and required the use of extensive financial and staffing resources for its development and use that would not be available to private entities or hackers;

tapping into the Belgacom systems by the UK intelligence agency GCHQ; *notes* the indication by Belgacom that it could not confirm that EU institutions were targeted or affected, and that the malware used was extremely complex and required the use of extensive financial and staffing resources for its development and use that would not be available to private entities or hackers;

Or. en

Amendment 131
Anna Maria Corazza Bildt

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Notes the allegations of ‘hacking’ or tapping into the Belgacom systems by the UK intelligence agency GCHQ; reiterates the indication by Belgacom that it could not confirm that EU institutions were targeted or affected, *and that the malware used was extremely complex and required the use of extensive financial and staffing resources for its development and use that would not be available to private entities or hackers;*

Amendment

3. Notes the allegations of ‘hacking’ or tapping into the Belgacom systems by the UK intelligence agency GCHQ; reiterates the indication by Belgacom that it could not confirm that EU institutions were targeted or affected;

Or. en

Amendment 132
Sophia in 't Veld, Nadja Hirsch

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Notes the allegations of ‘hacking’ or

Amendment

3. Notes the allegations of ‘hacking’ or

tapping into the Belgacom systems by the UK intelligence agency GCHQ; reiterates the indication by Belgacom that it could not confirm that EU institutions were targeted or affected, and that the malware used was extremely complex and required the use of extensive financial and staffing resources for its development and use that would not be available to private entities or hackers;

tapping into the Belgacom systems by the UK intelligence agency GCHQ; reiterates the indication by Belgacom that it could not confirm *nor deny* that EU institutions were targeted or affected, and that the malware used was extremely complex and required the use of extensive financial and staffing resources for its development and use that would not be available to private entities or hackers;

Or. en

Amendment 133
Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution
Paragraph 4

Motion for a resolution

Amendment

4. States that trust has been profoundly shaken: trust between the two transatlantic partners, trust among EU Member States, trust between citizens and their governments, trust in the respect of the rule of law, and trust in the security of IT services; believes that in order to rebuild trust in all these dimensions a comprehensive plan is urgently needed;

deleted

Or. en

Amendment 134
Sophia in 't Veld, Nadja Hirsch

Motion for a resolution
Paragraph 4

Motion for a resolution

Amendment

4. States that trust has been profoundly shaken: trust between the two transatlantic

4. States that trust has been profoundly shaken: trust between the two transatlantic

partners, trust among EU Member States, trust between citizens and their governments, trust in the respect of the rule of law, and trust in the security of IT services; believes that in order to rebuild trust in all these dimensions a comprehensive *plan* is urgently needed;

partners, trust among EU Member States, trust between citizens and their governments, trust in the respect of the rule of law, and trust in the security of IT services; believes that in order to rebuild trust in all these dimensions a comprehensive *response plan comprising a series of actions* is urgently needed;

Or. en

Amendment 135

Axel Voss, Elena Oana Antonescu, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Salvador Sedó i Alabart

Motion for a resolution Paragraph 4

Motion for a resolution

4. States that trust has been profoundly shaken: trust between the two transatlantic partners, trust among EU Member States, trust between citizens and their governments, trust in the respect of the rule of law, and trust in the security of IT services; believes that in order to rebuild trust in all these dimensions a comprehensive plan is *urgently needed*;

Amendment

4. States that trust has been profoundly shaken: trust between the two transatlantic partners, trust among EU Member States, trust between citizens and their governments, trust in the respect of the rule of law, and trust in the security of IT services *and communication*; believes that in order to rebuild trust in all these dimensions a comprehensive plan is *of the utmost urgency*;

Or. en

Amendment 136

Cornelia Ernst, Martin Ehrenhauser

Motion for a resolution Paragraph 4

Motion for a resolution

4. States that trust has been profoundly shaken: trust between *the two transatlantic partners*, trust *among EU Member States*,

Amendment

4. States that trust has been profoundly shaken: trust between *citizens and their governments*, trust *in the functioning of*

trust between citizens and their governments, trust in the respect of the rule of law, and trust in the security of IT services; believes that in order to rebuild trust in all these dimensions *a comprehensive plan is urgently needed*;

democratic institutions on both sides of the Atlantic, trust in the respect of the rule of law, *trust in the moral integrity of political leaders and officials* and trust in the security of IT services; believes that in order to rebuild trust in all these dimensions, *measures, the implementation of which can be publicly verified, are necessary*;

Or. en

Amendment 137
Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution
Paragraph 5

Motion for a resolution

Amendment

5. Notes that several governments claim that these mass surveillance programmes are necessary to combat terrorism; wholeheartedly supports the fight against terrorism, but strongly believes that it can never in itself be a justification for untargeted, secret and sometimes even illegal mass surveillance programmes; expresses concerns, therefore, regarding the legality, necessity and proportionality of these programmes;

deleted

Or. en

Amendment 138
Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra il Romeva i Rueda

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Notes that several governments claim that these mass surveillance programmes are necessary to combat terrorism; wholeheartedly supports the fight against terrorism, but strongly believes that it can ***never*** in itself be a justification for untargeted, secret and sometimes even illegal mass surveillance programmes; ***expresses concerns, therefore, regarding the legality, necessity and proportionality of these programmes;***

Amendment

5. Notes that several governments claim that these mass surveillance programmes are necessary to combat terrorism; wholeheartedly supports the fight against terrorism, but strongly believes that it can in itself ***never*** be a justification for untargeted, secret, and sometimes even illegal mass surveillance programmes; ***deems such programmes disproportionate and incompatible with the concept of a democratic society based on the rule of law;***

Or. en

Amendment 139
Cornelia Ernst

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Notes that several governments claim that these mass surveillance programmes are necessary to combat terrorism; ***wholeheartedly supports the fight against*** terrorism, but strongly believes that ***it can never in itself*** be a justification for untargeted, secret and sometimes even illegal mass surveillance programmes; expresses concerns, therefore, regarding the legality, necessity and proportionality of these programmes;

Amendment

5. Notes that several governments claim that these mass surveillance programmes are necessary to combat terrorism; ***strongly denounces*** terrorism, but strongly believes that ***the fight against terrorism can never*** be a justification for untargeted, secret and sometimes even illegal mass surveillance programmes; expresses ***grave*** concerns, therefore, regarding the legality, necessity and proportionality of these programmes;

Or. en

Amendment 140
Sophia in 't Veld, Nadja Hirsch

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Notes that several governments claim that these mass surveillance programmes are necessary to combat terrorism; wholeheartedly supports the fight against terrorism, but strongly believes that it can never in itself be a justification for untargeted, secret *and sometimes even* illegal *mass* surveillance programmes; *expresses concerns, therefore, regarding the legality, necessity and proportionality of these programmes;*

Amendment

5. Notes that several governments claim that these mass surveillance programmes are necessary to combat terrorism; wholeheartedly supports the fight against terrorism, but strongly believes that it can never in itself be a justification for untargeted, secret, *or outright* illegal surveillance programmes, *as they cannot be considered necessary and proportionate measures in a democratic society;*

Or. en

Amendment 141
Cornelia Ernst

Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution

5a. Takes the view that the necessity and proportionality of such programmes should be subject to both judicial and public verification; is concerned that their necessity and proportionality has not been demonstrated;

Amendment

Or. en

Amendment 142
Axel Voss, Ágnes Hankiss, Elena Oana Antonescu, Hubert Pirker, Anna Maria Corazza Bildt, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Timothy Kirkhope, Salvador Sedó i Alabart

Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution

Amendment

5a. Recalls EU's firm belief in the need to strike the right balance between security measures and the protection of civil liberties and fundamental rights, while ensuring the utmost respect for privacy and data protection;

Or. en

Amendment 143
Carmen Romero López

Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution

Amendment

5a. Considers it dangerous to establish a serious crime prevention system not subject to judicial control and involving the use of data and metadata concerning any individual not justifiably under suspicion; notes that mass data collection for crime fighting purposes might lead to the creation of police states;

Or. es

Amendment 144
Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution
Paragraph 6

Motion for a resolution

Amendment

6. Considers it very doubtful that data collection of such magnitude is only guided by the fight against terrorism, as it

deleted

involves the collection of all possible data of all citizens; points therefore to the possible existence of other power motives such as political and economic espionage;

Or. en

Amendment 145

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, Hélène Flautre, Rui Tavares, Raül Romeva i Rueda

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Considers ***it very doubtful*** that data collection of such magnitude ***is*** only guided by the fight against terrorism, as it involves the collection of all possible data of all citizens; points therefore to the ***possible*** existence of other power motives such as political and economic espionage;

Amendment

6. Considers that data collection of such magnitude ***be not*** only guided by the fight against terrorism as it involves the collection of all possible data of all citizens; points therefore to the existence of other power motives such as political and economic espionage;

Or. en

Amendment 146

Josef Weidenholzer

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Considers it very doubtful that data collection of such magnitude is only guided by the fight against terrorism, as it involves the collection of all possible data of all citizens; points therefore to the possible existence of other power motives such as political and economic espionage;

Amendment

6. Considers it very doubtful that data collection of such magnitude is only guided by the fight against terrorism, as it involves the collection of all possible data of all citizens; points therefore to the possible existence of other power motives such as political and economic espionage ***and the constant threat of abuse;***

Or. en

Amendment 147
Cornelia Ernst

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Considers it very doubtful that data collection of such magnitude is only guided by the fight against terrorism, as it involves the collection of all possible data of all citizens; points therefore to the **possible** existence of other power motives such as political and economic espionage;

Amendment

6. Considers it very doubtful that data collection of such magnitude is only guided by the fight against terrorism, as it involves the collection of all possible data of all citizens; points therefore to the **probable** existence of other power motives such as political and economic espionage;

Or. en

Amendment 148
José Ignacio Salafranca Sánchez-Neyra, Annemie Neyts-Uyttebroeck, Ana Gomes

Motion for a resolution
Paragraph 6

Motion for a resolution

6. *Considers it very doubtful that* data collection *of such magnitude is only guided by the fight against terrorism, as it involves the collection of all possible data of all citizens; points therefore* to the possible existence of other **power** motives **such as political and economic espionage;**

Amendment

6. ***Is strongly convinced that mass data collection and electronic surveillance must meet specific requirements related to national security and that its use for other purposes, such as political and economic espionage, must be credibly excluded; deplores that the magnitude of the mass surveillance disclosed leaves doubts as to the possible existence of other motives than the fight against terrorism and that these need to be comprehensively dispelled;***

Or. en

Amendment 149
Gianni Vattimo

Motion for a resolution
Paragraph 6

Motion for a resolution

6. *Considers it very doubtful* that data collection of such magnitude *is only guided by the fight against terrorism, as it involves* the collection of all possible data of all citizens; *points therefore to the possible existence of other power motives* such as political *and* economic espionage;

Amendment

6. *Is extremely alarmed at the fact* that data collection of such magnitude, *involving* the collection of all possible data of all citizens, *appears in reality to stem from* other motives *having to do with influence, power, and supremacy*, such as political, economic, *industrial, and military* espionage, *as can be seen, moreover, from the information that has leaked out to date (spying on companies, politicians, ministers, international meetings, etc.)*;

Or. it

Amendment 150
Claude Moraes

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Considers it very doubtful that data collection of such magnitude is only guided by the fight against terrorism, as it involves the collection of all possible data of all citizens; points therefore to the possible existence of other *power motives such as* political and economic espionage;

Amendment

6. Considers it very doubtful that data collection of such magnitude is only guided by the fight against terrorism, as it involves the collection of all possible data of all citizens; points therefore to the possible existence of other *purposes including* political and economic espionage;

Or. en

Amendment 151
Timothy Kirkhope

on behalf of the ECR Group

Motion for a resolution

Paragraph 7

Motion for a resolution

Amendment

7. Questions the compatibility of some Member States' massive economic espionage activities with the EU internal market and competition law as enshrined in Title I and Title VII of the Treaty on the Functioning of the European Union; reaffirms the principle of sincere cooperation as enshrined in Article 4 paragraph 3 of the Treaty on European Union and the principle that the Member States shall 'refrain from any measures which could jeopardise the attainment of the Union's objectives';

deleted

Or. en

Amendment 152

Axel Voss, Anna Maria Corazza Bildt, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Arnaud Danjean, Salvador Sedó i Alabart

Motion for a resolution

Paragraph 7

Motion for a resolution

Amendment

7. Questions the compatibility of **some Member States' massive** economic espionage activities with the EU internal market and competition law as enshrined in Title I and Title VII of the Treaty on the Functioning of the European Union; reaffirms the principle of sincere cooperation as enshrined in Article 4 paragraph 3 of the Treaty on European Union and the principle that the Member States shall 'refrain from any measures which could jeopardise the attainment of the Union's objectives';

7. Questions the compatibility of **possible** economic espionage activities with the EU internal market and competition law as enshrined in Title I and Title VII of the Treaty on the Functioning of the European Union; reaffirms the principle of sincere cooperation as enshrined in Article 4 paragraph 3 of the Treaty on European Union and the principle that the Member States shall 'refrain from any measures which could jeopardise the attainment of the Union's objectives';

Amendment 153
Anna Maria Corazza Bildt

Motion for a resolution
Paragraph 8

Motion for a resolution

Amendment

8. Notes that international treaties and EU and US legislation, as well as national oversight mechanisms, have failed to provide for the necessary checks and balances and for democratic accountability;

deleted

Amendment 154
Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra il Romeva i Rueda

Motion for a resolution
Paragraph 9

Motion for a resolution

Amendment

9. Condemns in the strongest possible terms the vast, systemic, blanket collection of the personal data of innocent people, often comprising intimate personal information; emphasises that the systems of mass, indiscriminate surveillance by intelligence services constitute a serious interference with the fundamental rights of citizens; stresses that privacy is not a luxury right, but that it is the foundation stone of a free and democratic society; points out, furthermore, that mass surveillance has potentially severe effects on the freedom of the press, thought and speech, as well as a significant potential for abuse of the information gathered against

9. Condemns in the strongest possible terms the vast, systemic, blanket collection of the personal data of innocent people, often comprising intimate personal information; emphasises that the systems of mass, indiscriminate surveillance by intelligence services constitute a serious interference with the fundamental rights of citizens; stresses that privacy is not a luxury right, but that it is the foundation stone of a free and democratic society; points out, furthermore, that mass surveillance has potentially severe effects on the freedom of the press, thought and speech ***and on freedom of assembly and of association***, as well as a significant

political adversaries; emphasises that these mass surveillance activities *appear also to* entail illegal actions by intelligence services and raise questions regarding the extra-territoriality of national laws;

potential for abuse of the information gathered against political adversaries; emphasises that these mass surveillance activities *also* entail illegal actions by intelligence services and raise questions regarding the extra-territoriality of national laws;

Or. en

Amendment 155
Sophia in 't Veld, Nadja Hirsch

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Condemns in the strongest possible terms the vast, systemic, blanket collection of the personal data of innocent people, often comprising intimate personal information; emphasises that the systems of mass, indiscriminate surveillance by intelligence services constitute a serious interference with the fundamental rights of citizens; stresses that privacy is not a luxury right, but that it is the foundation stone of a free and democratic society; points out, furthermore, that mass surveillance has potentially severe effects on the freedom of the press, thought and speech, as well as a significant potential for abuse of the information gathered against political adversaries; emphasises that these mass surveillance activities appear also to entail illegal actions by intelligence services and raise questions regarding the extra-territoriality of national laws;

Amendment

9. Condemns in the strongest possible terms the vast, systemic, blanket collection of the personal data of innocent people, often comprising intimate personal information; emphasises that the systems of mass, indiscriminate surveillance by intelligence services constitute a serious interference with the fundamental rights of citizens; stresses that privacy is not a luxury right, but that it is the foundation stone of a free and democratic society; points out, furthermore, that mass surveillance has potentially severe effects on the freedom of the press, thought and speech, as well as a significant potential for abuse of the information gathered against political adversaries; ***stresses that mass surveillance severely undermines the rights of EU citizens to be protected against any divulging of communications with their lawyers and therefore threatens access to justice, the right to a fair trial and the rule of law***; emphasises that these mass surveillance activities appear also to entail illegal actions by intelligence services and raise questions regarding the extra-territoriality of national laws;

Amendment 156

Claude Moraes, José Ignacio Salafranca Sánchez-Neyra, Ana Gomes, Annemie Neyts-Uyttebroeck

Motion for a resolution**Paragraph 9***Motion for a resolution*

9. Condemns ***in the strongest possible terms*** the vast, systemic, blanket collection of the personal data of innocent people, often comprising intimate personal information; emphasises that the systems of mass, indiscriminate surveillance by intelligence services constitute a serious interference with the fundamental rights of citizens; stresses that privacy is not a luxury right, but that it is the foundation stone of a free and democratic society; points out, furthermore, that mass surveillance has potentially severe effects on the freedom of the press, thought and speech, as well as a significant potential for abuse of the information gathered against political adversaries; emphasises that these mass surveillance activities appear also to entail illegal actions by intelligence services and raise questions regarding the extra-territoriality of national laws;

Amendment

9. Condemns the vast, systemic, blanket collection of the personal data of innocent people, often comprising intimate personal information; emphasises that the systems of mass, indiscriminate surveillance by intelligence services constitute a serious interference with the fundamental rights of citizens; stresses that privacy is not a luxury right, but that it is the foundation stone of a free and democratic society; points out, furthermore, that mass surveillance has potentially severe effects on the freedom of the press, thought and speech, as well as a significant potential for abuse of the information gathered against political adversaries; emphasises that these mass surveillance activities appear also to entail illegal actions by intelligence services and raise questions regarding the extra-territoriality of national laws;

Amendment 157

Axel Voss, Ágnes Hankiss, Hubert Pirker, Anna Maria Corazza Bildt, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Arnaud Danjean, Timothy Kirkhope, Salvador Sedó i Alabart

Motion for a resolution**Paragraph 10**

Motion for a resolution

Amendment

10. Sees the surveillance programmes as yet another step towards the establishment of a fully fledged preventive state, changing the established paradigm of criminal law in democratic societies, promoting instead a mix of law enforcement and intelligence activities with blurred legal safeguards, often not in line with democratic checks and balances and fundamental rights, especially the presumption of innocence; recalls in that regard the decision of the German Federal Constitutional Court³⁷ on the prohibition of the use of preventive dragnets ('präventive Rasterfahndung') unless there is proof of a concrete danger to other high-ranking legally protected rights, whereby a general threat situation or international tensions do not suffice to justify such measures;

deleted

³⁷ No 1 BvR 518/02 of 4 April 2006.

Or. en

Amendment 158

Sophia in 't Veld, Nadja Hirsch

Motion for a resolution

Paragraph 10

Motion for a resolution

Amendment

10. Sees the surveillance programmes as yet another step towards the establishment of a **fully fledged** preventive state, changing the established paradigm of criminal law in democratic societies, promoting instead a mix of law enforcement and intelligence activities with blurred legal safeguards, often not in line with democratic checks and balances

10. Sees the surveillance programmes as yet another step towards the establishment of a **fully-fledged** preventive state, changing the established paradigm of criminal law in democratic societies **whereby any interference with suspects' fundamental rights has to be authorised by a judge or prosecutor on the basis of a reasonable suspicion and regulated by**

and fundamental rights, especially the presumption of innocence; recalls in that regard the decision of the German Federal Constitutional Court³⁷ on the prohibition of the use of preventive dragnets ('präventive Rasterfahndung') unless there is proof of a concrete danger to other high-ranking legally protected rights, whereby a general threat situation or international tensions do not suffice to justify such measures;

³⁷ No 1 BvR 518/02 of 4 April 2006.

law, promoting instead a mix of law enforcement and intelligence activities with blurred *and weakened* legal safeguards, often not in line with democratic checks and balances and fundamental rights, especially the presumption of innocence; recalls in that regard the decision of the German Federal Constitutional Court³⁷ on the prohibition of the use of preventive dragnets ('präventive Rasterfahndung') unless there is proof of a concrete danger to other high-ranking legally protected rights, whereby a general threat situation or international tensions do not suffice to justify such measures;

³⁷ No 1 BvR 518/02 of 4 April 2006.

Or. en

Amendment 159
Teresa Jiménez-Becerril Barrio

Motion for a resolution
Paragraph 10 – subparagraph 1 (new)

Motion for a resolution

Amendment

Condemns the possible breaches of privacy laws undertaken by the NSA on innocent European citizens; believes, however, that these infringements should not trigger any blocking of existing successful bilateral instruments between the United States and the European Union or delaying on-going negotiations to safeguard the security of EU citizens in the combat against any form of terrorism;

Or. en

Amendment 160
Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, Hélène Flautre, Rui Tavares,

Raül Romeva i Rueda

**Motion for a resolution
Paragraph 11**

Motion for a resolution

11. Is adamant that secret laws, treaties and courts violate the rule of law; ***points out*** that any judgment of a court or tribunal and any decision of an administrative authority of a non-EU state authorising, directly or indirectly, ***surveillance activities such as those examined by this inquiry*** may not be ***automatically recognised*** or enforced, ***but must be submitted individually to the appropriate national procedures on mutual recognition and legal assistance, including rules imposed by bilateral agreements;***

Amendment

11. Is adamant that secret laws, treaties and courts violate the rule of law; ***insists*** that any judgment of a court or tribunal and any decision of an administrative authority of a non-EU State authorising, directly or indirectly, ***the transfer of personal data,*** may not be ***recognised*** or enforced ***in any manner, without prejudice to a mutual legal assistance treaty or an international agreement in force between the requesting third country and the Union or a Member State and a prior authorisation by the competent supervisory authority;***

Or. en

Amendment 161

Axel Voss, Elena Oana Antonescu, Anna Maria Corazza Bildt, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Arnaud Danjean, Salvador Sedó i Alabart

**Motion for a resolution
Paragraph 11**

Motion for a resolution

11. ***Is adamant that secret laws, treaties and courts violate the rule of law;*** points out that any judgment of a court or tribunal and any decision of an administrative authority of a non-EU state authorising, directly or indirectly, surveillance activities such as those examined by this inquiry may not be automatically recognised or enforced, but must be submitted individually to the appropriate national procedures on mutual recognition and legal assistance, including rules imposed by bilateral agreements;

Amendment

11. Points out that any judgment of a court or tribunal and any decision of an administrative authority of a non-EU state authorising, directly or indirectly, surveillance activities such as those examined by this inquiry may not be automatically recognised or enforced, but must be submitted individually to the appropriate national procedures on mutual recognition and legal assistance, including rules imposed by bilateral agreements;

Amendment 162
Sophia in 't Veld, Nadja Hirsch

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

Amendment

11a. Points out that any judgment of a secret court or tribunal and any decision of an administrative authority of a non-EU state secretly authorising, directly or indirectly, surveillance activities shall not be recognised or enforced;

Or. en

Amendment 163
Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra il Romeva i Rueda

Motion for a resolution
Paragraph 12

Motion for a resolution

Amendment

12. Points out that the abovementioned concerns are exacerbated by rapid technological and societal developments; considers that, since internet and mobile devices are everywhere in modern daily life ('ubiquitous computing') and the business model of most internet companies is based on the processing of personal data of all kinds that puts at risk the integrity of the person, the scale of this problem is unprecedented;

12. Points out that the abovementioned concerns are exacerbated by rapid technological and societal developments; considers that, since internet and mobile devices are everywhere in modern daily life ('ubiquitous computing') and the business model of most internet companies is based on the processing of personal data of all kinds that puts at risk the integrity of the person, the scale of this problem is unprecedented; ***underlines that this may create a "turnkey tyranny" situation that can severely be misused in case of changes in political leadership;***

Or. en

Amendment 164
Anna Maria Corazza Bildt

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Points out that the abovementioned concerns are exacerbated by rapid technological and societal developments; considers that, since internet and mobile devices are everywhere in modern daily life ('ubiquitous computing') and the business model of most internet companies is based on the processing of personal data ***of all kinds that puts at risk the integrity of the person***, the scale of this problem is unprecedented;

Amendment

12. Points out that the abovementioned concerns are exacerbated by rapid technological and societal developments; considers that, since internet and mobile devices are everywhere in modern daily life ('ubiquitous computing') and the business model of most internet companies is based on the processing of personal data, the scale of this problem is unprecedented;

Or. en

Amendment 165
**Axel Voss, Agustín Díaz de Mera García Consuegra, Véronique Mathieu Houillon,
Teresa Jiménez-Becerril Barrio, Timothy Kirkhope, Salvador Sedó i Alabart**

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Points out that the abovementioned concerns are exacerbated by rapid technological and societal developments; considers that, ***since*** internet and mobile devices are everywhere in modern daily life ('ubiquitous computing') and the business model of most internet companies is based on the processing of personal data ***of all kinds that puts at risk the integrity of the person, the scale of this problem is unprecedented***;

Amendment

12. Points out that the abovementioned concerns are exacerbated by rapid technological and societal developments; considers that internet and mobile devices are everywhere in modern daily life ('ubiquitous computing') and the business model of most internet companies is based on the processing of personal data;

Or. en

Amendment 166
Cornelia Ernst

Motion for a resolution
Paragraph 13

Motion for a resolution

13. ***Regards it as a clear finding, as emphasised by the technology experts who testified before the inquiry, that at the current stage of technological development*** there is no guarantee, either for EU public institutions or for citizens, that their IT security or privacy can be protected from intrusion by well-equipped third countries or EU intelligence agencies ('no 100% IT security'); notes that ***this alarming situation can only be remedied if Europeans are*** willing to dedicate sufficient resources, both human and financial, to preserving Europe's independence and self-reliance;

Amendment

13. ***Notes that*** there is no guarantee, either for EU public institutions or for citizens, that their IT security or privacy can be protected from intrusion by well-equipped third countries or EU intelligence agencies ('no 100% IT security'); notes that ***in order to achieve maximum IT security, Europeans need to be*** willing to dedicate sufficient resources, both human and financial, to preserving Europe's independence and self-reliance ***in the field of IT***;

Or. en

Amendment 167
Axel Voss, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Arnaud Danjean, Salvador Sedó i Alabart

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Regards it as a clear finding, as emphasised by the technology experts who testified before the inquiry, that at the current stage of technological development there is no guarantee, either for EU public institutions or for citizens, that their IT security or privacy can be protected from intrusion by well-equipped third countries ***or EU intelligence agencies ('no 100% IT***

Amendment

13. Regards it as a clear finding, as emphasised by the technology experts who testified before the inquiry, that at the current stage of technological development there is no guarantee, either for EU public institutions or for citizens, that their IT security or privacy can be protected from intrusion by well-equipped third countries; notes that this alarming situation can only

security’); notes that this alarming situation can only be remedied if Europeans are willing to dedicate sufficient resources, both human and financial, to preserving Europe’s independence and self-reliance;

be remedied if Europeans are willing to dedicate sufficient resources, both human and financial, to preserving Europe's independence and self-reliance;

Or. en

Amendment 168
Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution
Paragraph 14

Motion for a resolution

Amendment

14. Strongly rejects the notion that these issues are purely a matter of national security and therefore the sole competence of Member States; recalls a recent ruling of the Court of Justice according to which ‘although it is for Member States to take the appropriate measures to ensure their internal and external security, the mere fact that a decision concerns State security cannot result in European Union law being inapplicable’³⁸; recalls further that the protection of the privacy of all EU citizens is at stake, as are the security and reliability of all EU communication networks; believes therefore that discussion and action at EU level is not only legitimate, but also a matter of EU autonomy and sovereignty;

deleted

³⁸ *No 1 BvR 518/02 of 4 April 2006.*

Or. en

Amendment 169
Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H  l  ne Flautre, Rui Tavares,

Raül Romeva i Rueda

**Motion for a resolution
Paragraph 14**

Motion for a resolution

14. Strongly rejects the notion that these issues are purely a matter of national security and therefore the sole competence of Member States; recalls a recent ruling of the Court of Justice according to which ‘although it is for Member States to take the appropriate measures to ensure their internal and external security, the mere fact that a decision concerns State security cannot result in European Union law being inapplicable’³⁸; recalls further that the protection of the privacy of all EU citizens is at stake, as are the security and reliability of all EU communication networks; believes therefore that discussion and action at EU level is not only legitimate, but also a matter of EU autonomy and sovereignty;

³⁸ *No 1 BvR 518/02 of 4 April 2006.*

Amendment

14. Strongly rejects the notion that these issues are purely a matter of national security and therefore the sole competence of Member States; recalls a recent ruling of the Court of Justice according to which ‘although it is for Member States to take the appropriate measures to ensure their internal and external security, the mere fact that a decision concerns State security cannot result in European Union law being inapplicable’³⁸; recalls further that the protection of the privacy of all EU citizens is at stake, as are the security and reliability of all EU communication networks; believes therefore that discussion and action at EU level is not only legitimate, but also a matter of EU autonomy and sovereignty;

³⁸ *Judgement in case C-300/11, ZZ v Secretary of State for the Home Department, 4 June 2013*

Or. en

**Amendment 170
Arnaud Danjean**

**Motion for a resolution
Paragraph 14**

Motion for a resolution

14. Strongly rejects the notion that these issues are purely a matter of national security and therefore the sole competence of Member States; recalls a recent ruling of the Court of Justice

Amendment

14. Recalls that the protection of the privacy of all EU citizens is at stake, as are the security and reliability of all EU communication networks; believes therefore that discussion and action at EU

*according to which ‘although it is for Member States to take the appropriate measures to ensure their internal and external security, the mere fact that a decision concerns State security cannot result in European Union law being inapplicable’³⁸ ; recalls further that the protection of the privacy of all EU citizens is at stake, as are the security and reliability of all EU communication networks; believes therefore that discussion and action at EU level **is not only legitimate, but also a matter of EU autonomy and sovereignty**;*

³⁸ No 1 BvR 518/02 of 4 April 2006.

level *can be deemed necessary*;

³⁸ No 1 BvR 518/02 of 4 April 2006.

Or. en

Amendment 171
Anna Maria Corazza Bildt

Motion for a resolution
Paragraph 14

Motion for a resolution

14. ***Strongly rejects the notion that these issues are purely a matter of national security and therefore the sole competence of Member States; recalls a recent ruling of the Court of Justice according to which ‘although it is for Member States to take the appropriate measures to ensure their internal and external security, the mere fact that a decision concerns State security cannot result in European Union law being inapplicable’³⁸ ; recalls further that the protection of the privacy of all EU citizens is at stake, as are the security and reliability of all EU communication networks; believes therefore that discussion and action at EU level is not only legitimate, but also a matter of EU autonomy and sovereignty;***

Amendment

14. ***Stresses that mass surveillance is not only a matter of national security but also a matter of respect of fundamental rights; Recalls that national security is the sole competence of Member States; calls on Member States to fully respect EU law and the ECHR while acting to ensure their national security;*** recalls a recent ruling of the Court of Justice according to which ‘although it is for Member States to take the appropriate measures to ensure their internal and external security, the mere fact that a decision concerns State security cannot result in European Union law being inapplicable’³⁸ ; recalls further that the protection of the privacy of all EU citizens is at stake, as are the security and reliability of all EU communication

networks;

³⁸ No 1 BvR 518/02 of 4 April 2006.

³⁸ No 1 BvR 518/02 of 4 April 2006.

Or. en

Amendment 172

Axel Voss, Elena Oana Antonescu, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Salvador Sedó i Alabart

Motion for a resolution

Paragraph 14

Motion for a resolution

14. Strongly rejects the notion that *these issues* are purely a matter of national security and therefore the sole competence of Member States; recalls a recent ruling of the Court of Justice according to which ‘although it is for Member States to take the appropriate measures to ensure their internal and external security, the mere fact that a decision concerns State security cannot result in European Union law being inapplicable’³⁸; recalls further that the protection of the privacy of all EU citizens is at stake, as are the security and reliability of all EU communication networks; believes therefore that discussion and action at EU level is not only legitimate, but also a matter of EU autonomy *and sovereignty*;

³⁸ No 1 BvR 518/02 of 4 April 2006.

Amendment

14. Strongly rejects the notion that *all issues related to mass surveillance programmes* are purely a matter of national security and therefore the sole competence of Member States; recalls a recent ruling of the Court of Justice according to which ‘although it is for Member States to take the appropriate measures to ensure their internal and external security, the mere fact that a decision concerns State security cannot result in European Union law being inapplicable’³⁸; recalls further that the protection of the privacy of all EU citizens is at stake, as are the security and reliability of all EU communication networks; believes therefore that discussion and action at EU level is not only legitimate, but also a matter of EU autonomy;

³⁸ No 1 BvR 518/02 of 4 April 2006.

Or. en

Amendment 173

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, Hélène Flautre, Rui Tavares, Raül Romeva i Rueda

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Commends the current discussions, inquiries and reviews concerning the subject of this inquiry in several parts of the world; points to the Global Government Surveillance Reform signed up to by the world's leading technology companies, **which calls** for sweeping changes to national surveillance laws, including an international ban on bulk collection of data to help preserve the public's trust in the internet; notes with great interest the recommendations published recently by the US **President's** Review Group on Intelligence and Communications Technologies; strongly urges governments to take these calls and recommendations fully into account and to overhaul their national frameworks for the intelligence services in order to implement appropriate safeguards and oversight;

Amendment

15. Commends the current discussions, inquiries and reviews concerning the subject of this Inquiry in several parts of the world; points to the Global Government Surveillance Reform signed up to by the world's leading technology companies **calling** for sweeping changes to national surveillance laws including an international ban on bulk collection of data to help preserve the public's trust in the internet; **points to the call by hundreds of leading academics for ending mass surveillance^{38a}; points to the calls by many civil society organisations for ending mass surveillance^{38b} and for the strict adherence of necessity and proportionality into surveillance measures^{38c}; points to the call by a large group of authors, including a number of Nobel prize winners, along similar lines^{38d}**, notes with great interest the recommendations published recently by the US **President's** Review Group on Intelligence and Communications Technologies; strongly urges governments to take these calls and recommendations fully into account and to overhaul their national frameworks for the intelligence services in order to implement appropriate safeguards and oversight;

^{38a} www.academicsagainstsurveillance.net

^{38b} www.stospyingonus.com

^{38c} www.en.necessaryandproportionate.org

^{38d} www.faz.net/aktuell/feuilleton/buecher/themen/autoren-gegen-ueberwachung/demokratie-im-digitalen-zeitalter-der-aufruf-der-schriftsteller-12702040.html

Amendment 174
Carmen Romero López

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Commends the current discussions, inquiries and reviews concerning the subject of this inquiry in several parts of the world; points to the Global Government Surveillance Reform signed up to by the world's leading technology companies, which calls for sweeping changes to national surveillance laws, including an international ban on bulk collection of data to help preserve the public's trust in the internet; ***notes with great interest the recommendations published recently by the US President's Review Group on Intelligence and Communications Technologies; strongly urges governments to take these calls and recommendations fully into account and to overhaul their national frameworks for the intelligence services in order to implement appropriate safeguards and oversight;***

Amendment

15. Commends the current discussions, inquiries and reviews concerning the subject of this inquiry in several parts of the world; points to the Global Government Surveillance Reform signed up to by the world's leading technology companies, which calls for sweeping changes to national surveillance laws, including an international ban on bulk collection of data to help preserve the public's trust in the internet;

Amendment 175
Arnaud Danjean

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Commends the current discussions, inquiries and reviews concerning the

Amendment

15. Commends the current discussions, inquiries and reviews concerning the

subject of this inquiry in several parts of the world; points to the Global Government Surveillance Reform signed up to by the world's leading technology companies, which calls for sweeping changes to national surveillance laws, **including an international ban on bulk collection of data to help preserve the public's trust in the internet**; notes with great interest the recommendations published recently by the US President's Review Group on Intelligence and Communications Technologies; strongly urges governments to take these calls and recommendations fully into account and to overhaul their national frameworks for the intelligence services in order to implement appropriate safeguards and oversight;

subject of this inquiry in several parts of the world; points to the Global Government Surveillance Reform signed up to by the world's leading technology companies, which calls for sweeping changes to national surveillance laws; notes with great interest the recommendations published recently by the US President's Review Group on Intelligence and Communications Technologies; strongly urges governments to take these calls and recommendations fully into account and to overhaul their national frameworks for the intelligence services in order to implement appropriate safeguards and oversight;

Or. en

Amendment 176
Claude Moraes

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Commends the current discussions, inquiries and reviews concerning the subject of this inquiry in several parts of the world; points to the Global Government Surveillance Reform signed up to by the world's leading technology companies, which calls for sweeping changes to national surveillance laws, including an international ban on bulk collection of data to help preserve the public's trust in the internet; notes with great interest the recommendations published recently by the US President's Review Group on Intelligence and Communications Technologies; strongly urges governments to take these calls and recommendations fully into account and to

Amendment

15. Commends the current discussions, inquiries and reviews concerning the subject of this inquiry in several parts of the world; points to the Global Government Surveillance Reform signed up to by the world's leading technology companies, which calls for sweeping changes to national surveillance laws, including an international ban on bulk collection of data to help preserve the public's trust in the internet; notes with great interest the recommendations published recently by the US President's Review Group on Intelligence and Communications Technologies; **points to the call by 562 international authors, including five Nobel Prize laureates, for**

overhaul their national frameworks for the intelligence services in order to implement appropriate safeguards and oversight;

an end to mass surveillance by the NSA; strongly urges governments to take these calls and recommendations fully into account and to overhaul their national frameworks for the intelligence services in order to implement appropriate safeguards and oversight;

Or. en

Amendment 177
Cornelia Ernst

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Commends the current discussions, inquiries and reviews concerning the subject of this inquiry in several parts of the world; points to the Global Government Surveillance Reform signed up to by the world's leading technology companies, which calls for sweeping changes to national surveillance laws, including an international ban on bulk collection of data to help preserve the public's trust in *the internet*; notes with great interest the recommendations published recently by the US President's Review Group on Intelligence and Communications Technologies; strongly urges governments to take these calls and recommendations fully into account and to overhaul their national frameworks for the intelligence services in order to implement appropriate safeguards and oversight;

Amendment

15. Commends the current discussions, inquiries and reviews concerning the subject of this inquiry in several parts of the world; points to the Global Government Surveillance Reform signed up to by the world's leading technology companies, which calls for sweeping changes to national surveillance laws, including an international ban on bulk collection of data to help preserve the public's trust in *their businesses*; notes with great interest the recommendations published recently by the US President's Review Group on Intelligence and Communications Technologies; strongly urges governments to take these calls and recommendations fully into account and to overhaul their national frameworks for the intelligence services in order to implement appropriate safeguards and oversight;

Or. en

Amendment 178
Timothy Kirkhope
on behalf of the ECR Group

**Motion for a resolution
Paragraph 16**

Motion for a resolution

Amendment

16. Commends the institutions and experts who have contributed to this inquiry; deplores the fact that several Member States' authorities have declined to cooperate with the inquiry the European Parliament has been conducting on behalf of citizens; welcomes the openness of several Members of Congress and of national parliaments;

deleted

Or. en

**Amendment 179
Arnaud Danjean**

**Motion for a resolution
Paragraph 16**

Motion for a resolution

Amendment

16. Commends the institutions and experts who have contributed to this inquiry; ***deplores the fact that several Member States' authorities have declined to cooperate with the inquiry the European Parliament has been conducting on behalf of citizens;*** welcomes the openness of several Members of Congress and of national parliaments;

16. Commends the institutions and experts who have contributed to this inquiry; welcomes the openness of several Members of Congress and of national parliaments;

Or. en

**Amendment 180
Carmen Romero López**

**Motion for a resolution
Paragraph 16 a (new)**

Motion for a resolution

Amendment

16a. Attaches great importance to the work of the LIBE Committee members, who have for some time been expressing concern at the massive exchange of data and the non-participation of the European Parliament in the negotiation of agreements with the United States;

Or. es

Amendment 181
Arnaud Danjean

Motion for a resolution
Paragraph 18

Motion for a resolution

Amendment

18. Intends to request strong political undertakings from the European Commission to be designated after the May 2014 elections to ***implement*** the proposals and recommendations of this Inquiry; expects adequate commitment from the candidates in the upcoming parliamentary hearings for the new Commissioners;

18. Intends to request strong political undertakings from the European Commission to be designated after the May 2014 elections to ***take into account*** the proposals and recommendations of this Inquiry; expects adequate commitment from the candidates in the upcoming parliamentary hearings for the new Commissioners;

Or. en

Amendment 182
Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra il Romeva i Rueda

Motion for a resolution
Paragraph 18 a (new) after heading «Recommendations»

Motion for a resolution

Amendment

18a. Calls on EU Member States to drop criminal charges, if any, against Edward Snowden and to offer him protection from prosecution, extradition or rendition by third parties, in recognition of his status as whistleblower and international human rights defender;

Or. en

Amendment 183
Josef Weidenholzer, Birgit Sippel

Motion for a resolution
Paragraph 18 a (new)

Motion for a resolution

Amendment

18a. Calls on the US to give amnesty to Edward Snowden for initiating the process of rethinking the course of intelligence agencies;

Or. en

Amendment 184
Josef Weidenholzer, Birgit Sippel, Carmen Romero López

Motion for a resolution
Paragraph 18 b (new)

Motion for a resolution

Amendment

18b. Calls on EU Member States to thoroughly examine the possibility of granting whistleblowers international protection from prosecution;

Or. en

Amendment 185

**Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares,
Ra il Romeva i Rueda**

Motion for a resolution

Paragraph 18 b (new)

Motion for a resolution

Amendment

18b. Calls on the US to drop any criminal charges Edward Snowden in recognition of his status as whistleblower and international human rights defender;

Or. en

Amendment 186

**Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares,
Ra il Romeva i Rueda**

Motion for a resolution

Paragraph 18 c (new)

Motion for a resolution

Amendment

18c. Draws attention to the plight of other whistleblowers and their supporters, including any journalists involved, who find themselves under pressure from government authorities;

Or. en

Amendment 187

Birgit Sippel, Carmen Romero L opez, Josef Weidenholzer

Motion for a resolution

Paragraph 19

Motion for a resolution

Amendment

19. Calls on the US authorities and the EU Member States to prohibit blanket mass surveillance activities and bulk processing

19. Calls on the US authorities and the EU Member States to prohibit blanket mass surveillance activities and bulk processing

of personal data;

of personal data *as well as to stop all on-going indiscriminate practices of mass surveillance*;

Or. en

Amendment 188
Cornelia Ernst

Motion for a resolution
Paragraph 19

Motion for a resolution

19. Calls on the US authorities and the EU Member States to prohibit blanket mass surveillance activities and bulk processing of personal data;

Amendment

19. Calls on the US authorities and the EU Member States to prohibit blanket mass surveillance activities and bulk processing of personal data *regardless of the purpose*; *calls on the Commission to propose to repeal EU legislation providing for such measures, to withdraw any current proposal aiming to introduce such measures and to refrain from proposing legislation introducing such measures in the future*; *calls on the European Council to do the same when defining general political directions and priorities*;

Or. en

Amendment 189
Claude Moraes

Motion for a resolution
Paragraph 19

Motion for a resolution

19. Calls on the US authorities and the EU Member States to prohibit blanket mass surveillance activities and bulk processing of personal data;

Amendment

19. Calls on the US authorities and the EU Member States to prohibit blanket mass surveillance activities and bulk processing of personal data *originated in particular from personal communications and commercial data*; *calls on EU Member*

States to promote an initiative in the UN for an international treaty prohibiting such activities and the tools involved including an agency for its oversight;

Or. en

Amendment 190

Axel Voss, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Salvador Sedó i Alabart

Motion for a resolution

Paragraph 19

Motion for a resolution

19. Calls on the US authorities and the EU Member States to prohibit blanket mass surveillance activities and **bulk** processing of personal data;

Amendment

19. Calls on the US authorities and the EU Member States to prohibit blanket mass surveillance activities and **mass** processing of personal data **for intelligence**;

Or. en

Amendment 191

Claude Moraes, Josef Weidenholzer, Birgit Sippel, Carmen Romero López, Joanna Senyszyn

Motion for a resolution

Paragraph 19 – subparagraph 1 (new)

Motion for a resolution

Amendment

Calls on all EU Member States, and in particular those participating in the so-called "9-eyes" and "14-eyes" programmes, to comprehensively evaluate and revise their national legislation and practices governing the activities of intelligence services – including their (strategic) surveillance powers, authorisation procedures and oversight mechanisms - so as to ensure that they are in line with the standards of the European Convention on Human Rights and comply

with their fundamental rights obligations as regards data protection, privacy, presumption of innocence, the necessity and proportionality of surveillance activities, as well as parliamentary and judicial oversight, as also set out in the UN compilations of good practices ^{38e} and the recommendations of the Venice Commission ^{38f};

^{38e} *UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Combating Terrorism 2010, Compilation of good practices on legal and institutional frameworks and measures that ensure respect for human rights by intelligence agencies, UN General Assembly, A/HRC/14/46, 17 May 2010.*

^{38f} *European Commission for Democracy Through Law (Venice Commission), Report on Democratic Oversight of the Security Services in Council of Europe States, Study 388/2006, June 2007 (update due in spring 2014).*

Or. en

Amendment 192

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra il Romeva i Rueda

**Motion for a resolution
Paragraph 19 a (new)**

Motion for a resolution

Amendment

19a. Calls on the US as well as EU and Member States' legislators to revise legislation on electronic communications and signals intelligence and the processing and transfer of such intelligence information to fully respect the principles of legality, legitimate aim and purpose limitation, necessity,

adequacy, proportionality, authorisation by a competent judicial authority, due process, user notification, transparency, public and parliamentary oversight, protection of the integrity of communications and systems, including safeguards for international cooperation and against illegitimate access;

Or. en

Amendment 193

Claude Moraes, Carmen Romero López, Joanna Senyszyn, Josef Weidenholzer, Birgit Sippel

**Motion for a resolution
Paragraph 19 a (new)**

Motion for a resolution

Amendment

19a. Calls on the UK to revise its national legislation and practices governing the activities of intelligence services so as to ensure that they are in line with the standards of the European Convention on Human Rights and comply with their fundamental rights obligations as regards data protection, privacy and presumption of innocence; in particular, given the extensive media reports referring to mass surveillance in the UK, would emphasise that the current legal framework which is made up of a 'complex interaction' between three separate pieces of legislation – the Human Rights Act 1998, the Intelligence Services Act 1994 and the Regulation of Investigatory Powers Act 2000 – should be revised;

Or. en

Amendment 194

Claude Moraes, Josef Weidenholzer, Carmen Romero López, Joanna Senyszyn, Birgit Sippel

**Motion for a resolution
Paragraph 19 b (new)**

Motion for a resolution

Amendment

19b. Calls on Germany to revise the law on the German foreign intelligence service (BND) and the G-10 Law by making them more specific, reinforcing the rights of all persons whose communications are intercepted, providing for more public information in particular as to the activities of the G10 Commission, reinforcing the technical capabilities and investigative powers of the parliamentary oversight bodies, and adjusting the laws to the developments regarding internet technology and use;

Or. en

Amendment 195

Claude Moraes, Birgit Sippel, Josef Weidenholzer, Carmen Romero López, Joanna Senyszyn

**Motion for a resolution
Paragraph 19 c (new)**

Motion for a resolution

Amendment

19c. Calls on France to reinforce the system of checks and balances in the field of intelligence activities so as to ensure it is in line with the European Convention on Human Right's requirements, to strengthen its general oversight mechanisms, both as regards the ex ante authorisation procedures, the involvement of the Parliament in monitoring of intelligence activities and the reinforcement of technical capabilities and investigate powers of the latter. Moreover encourages the National Commission for the Control of Security Interceptions (CNIS), independent

administrative authority to monitor more closely and effectively the processing of data collected by the various intelligence agencies. Urges France to clarify the situation on allegations regarding potential agreements between intelligence services and telecommunication companies as regard access to and exchange of personal data and access to communication facilities including Transatlantic cables. Takes notes of the adoption of the "Loi de programmation militaire 2014-2019" in December 2013 clarifying the framework according to which intelligence services may have access to communication data, with regards to fighting against terrorism;

Or. en

Amendment 196

Claude Moraes, Birgit Sippel, Josef Weidenholzer, Carmen Romero López, Joanna Senyszyn

**Motion for a resolution
Paragraph 19 d (new)**

Motion for a resolution

Amendment

19d. Calls on Sweden to revise the internet laws which authorised the National Defence Radio Establishment (FRA) to monitor communications traffic into and out of Sweden, cable bound as well as in the ether (radio and satellite), including emails, text messages and telephone calls and Act on signals intelligence which allows for the bulk transfer of data to other states if authorised by the Government, in order to specify the means and the scope of the surveillance and to improve the foreseeability of law which would enable an individual to foresee whether their communication or data about their communication is collected by FRA;

recommends further to reinforce the system of checks and balances in oversight of the signals intelligence by including at the composition of the Inspection for Defence Intelligence Operations the parliamentarians in office;

Or. en

Amendment 197

Claude Moraes, Josef Weidenholzer, Carmen Romero López, Joanna Senyszyn, Birgit Sippel

**Motion for a resolution
Paragraph 19 e (new)**

Motion for a resolution

Amendment

19e. Takes note of the review of the Dutch Intelligence and Security Act 2002 (report by the "Dessens Commission" of 2 December 2013); supports those recommendations of the review commission which aim to strengthen the transparency of and the control and oversight on the Dutch intelligence services; calls on the Netherlands to refrain from extending the powers of the intelligence services so that untargeted and large-scale surveillance could also be performed on cable-bound communications of innocent citizens, especially given the fact that one of the biggest Internet Exchange Points in the world is located in Amsterdam (AMS-IX); calls for caution in defining the mandate and capabilities of the new Joint Sigint Cyber Unit, as well as for the presence and operation by US intelligence personnel on Dutch territory;

Or. en

Amendment 198

Claude Moraes, Josef Weidenholzer, Carmen Romero López, Joanna Senyszyn, Birgit Sippel

Motion for a resolution

Paragraph 19 f (new)

Motion for a resolution

Amendment

19f. Calls on Poland to revise data protection legislation in particular as far as their access by different (law enforcement or intelligence) authorities to citizens' personal data from various sources is concerned) and introduce an independent supervisory mechanism over their activity, notably in the area of intelligence and general crime prevention; strongly recommends that Poland properly applies freedom of information laws with respect to national security issues ; recommends further that any freedom of information requests shall be duly and adequately treated, notably when relevant for explaining government involvement in programs of mass surveillance and for thereby holding decision-makers accountable;

Or. en

Amendment 199

Timothy Kirkhope

on behalf of the ECR Group

Motion for a resolution

Paragraph 20

Motion for a resolution

Amendment

20. Calls on certain EU Member States, including the UK, Germany, France, Sweden and the Netherlands, to revise where necessary their national legislation and practices governing the activities of intelligence services so as to ensure that

deleted

they are in line with the standards of the European Convention on Human Rights and comply with their fundamental rights obligations as regards data protection, privacy and presumption of innocence; in particular, given the extensive media reports referring to mass surveillance in the UK, would emphasise that the current legal framework which is made up of a 'complex interaction' between three separate pieces of legislation – the Human Rights Act 1998, the Intelligence Services Act 1994 and the Regulation of Investigatory Powers Act 2000 – should be revised;

Or. en

Amendment 200
Claude Moraes

Motion for a resolution
Paragraph 20

Motion for a resolution

Amendment

20. Calls on certain EU Member States, including the UK, Germany, France, Sweden and the Netherlands, to revise where necessary their national legislation and practices governing the activities of intelligence services so as to ensure that they are in line with the standards of the European Convention on Human Rights and comply with their fundamental rights obligations as regards data protection, privacy and presumption of innocence; in particular, given the extensive media reports referring to mass surveillance in the UK, would emphasise that the current legal framework which is made up of a 'complex interaction' between three separate pieces of legislation – the Human Rights Act 1998, the Intelligence Services Act 1994 and the Regulation of Investigatory Powers Act 2000 – should

deleted

be revised;

Or. en

Amendment 201

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra il Romeva i Rueda

Motion for a resolution

Paragraph 20

Motion for a resolution

20. Calls on *certain* EU Member States, ***including the UK, Germany, France, Sweden and the Netherlands, to*** revise where necessary their national legislation and practices governing the activities of intelligence services so as to ensure that they are in line with the standards of the European Convention on Human Rights and comply with their fundamental rights obligations as regards data protection, privacy ***and*** presumption of innocence; ***in particular, given the extensive media reports referring to mass surveillance in the UK, would emphasise that the current legal framework which is made up of a ‘complex interaction’ between three separate pieces of legislation – the Human Rights Act 1998, the Intelligence Services Act 1994 and the Regulation of Investigatory Powers Act 2000 – should be revised;***

Amendment

20. Calls on ***all*** EU Member States, ***and in particular those participating in the so-called “9-eyes” and “14-eyes” programmes, to comprehensively evaluate and*** revise where necessary their national legislation and practices governing the activities of intelligence services – ***including their (strategic) surveillance powers, authorisation procedures and oversight mechanisms*** - so as to ensure that they are in line with the standards of the European Convention on Human Rights and comply with their fundamental rights obligations as regards data protection, privacy, presumption of innocence, ***the necessity and proportionality of surveillance activities, as well as parliamentary and judicial oversight, the UN compilations of good practices***^{38g} and the ***recommendations of the Venice Commission***^{38h};

^{38g} *United Nations General Assembly, A/HRC/14/46, 17 May 2010.*

^{38h} *European Commission for Democracy through Law (Venice Commission): Report on Counter-Terrorism and Human Rights, CDL-AD(2010)022, adopted 4 June 2010; Report on the Democratic Oversight of the Security Services, CDL-AD(2007)016, adopted 2 June 2007.*

Amendment 202
Cornelia Ernst

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Calls on certain EU Member States, including the UK, Germany, France, Sweden and the Netherlands, to revise where necessary their national legislation and practices governing the activities of intelligence services so as to ensure that they are in line with the standards of the European Convention on Human Rights and comply with their fundamental rights obligations as regards data protection, privacy and presumption of innocence; in particular, given the extensive media reports referring to mass surveillance in the UK, would emphasise that the current legal framework which is made up of a ‘complex interaction’ between three separate pieces of legislation – the Human Rights Act 1998, the Intelligence Services Act 1994 and the Regulation of Investigatory Powers Act 2000 – should be revised;

Amendment

20. Calls on certain EU Member States, including the UK, Germany, France, Sweden and the Netherlands, to revise where necessary their national legislation and practices governing the activities of intelligence services so as to ensure that they are in line with the standards of the European Convention on Human Rights and comply with their fundamental rights obligations, *in particular* as regards data protection, privacy and presumption of innocence; in particular, given the extensive media reports referring to mass surveillance in the UK, would emphasise that the current legal framework which is made up of a ‘complex interaction’ between three separate pieces of legislation – the Human Rights Act 1998, the Intelligence Services Act 1994 and the Regulation of Investigatory Powers Act 2000 – should be revised;

Or. en

Amendment 203
Anna Maria Corazza Bildt

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Calls on *certain* EU Member States, *including the UK, Germany, France,*

Amendment

20. Calls on EU Member States to revise *if* necessary their national legislation and

Sweden and the Netherlands, to revise where necessary their national legislation and practices governing the activities of intelligence services so as to ensure that they are in line with the standards of the European Convention on Human Rights and comply with their fundamental rights obligations as regards data protection, privacy and presumption of innocence; in particular, given the extensive media reports referring to mass surveillance in the UK, would emphasise that the current legal framework which is made up of a ‘complex interaction’ between three separate pieces of legislation – the Human Rights Act 1998, the Intelligence Services Act 1994 and the Regulation of Investigatory Powers Act 2000 – should be revised;

practices governing the activities of intelligence services so as to ensure that they are in line with the standards of the European Convention on Human Rights and comply with their fundamental rights obligations as regards data protection, privacy and presumption of innocence;

Or. en

Amendment 204
Gianni Vattimo

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Calls on certain EU Member States, including the UK, Germany, France, Sweden and the Netherlands, to revise where necessary their national legislation and practices governing the activities of intelligence services so as to ensure that they are in line with the standards of the European Convention on Human Rights and comply with their fundamental rights obligations as regards data protection, privacy and presumption of innocence; in particular, given the extensive media reports referring to mass surveillance in the UK, **would emphasise** that the current legal framework which is made up of a ‘complex interaction’ between three separate pieces

Amendment

20. Calls on certain EU Member States, including the UK, Germany, France, Sweden and the Netherlands, to revise where necessary their national legislation and practices governing the activities of intelligence services so as to ensure that they are in line with the standards of the European Convention on Human Rights and comply with their fundamental rights obligations as regards data protection, privacy and presumption of innocence; in particular, given the extensive media reports referring to mass surveillance in the UK, **emphasises** that the current legal framework which is made up of a ‘complex interaction’ between three separate pieces

of legislation – the Human Rights Act 1998, the Intelligence Services Act 1994 and the Regulation of Investigatory Powers Act 2000 – *should* be revised;

of legislation – the Human Rights Act 1998, the Intelligence Services Act 1994 and the Regulation of Investigatory Powers Act 2000 – *must* be revised *as a matter of urgency; considers that the continued existence of such sweeping mass surveillance programmes and espionage operations (spying on international meetings, for instance), especially if these are conducted for or in collaboration with non-EU countries, is evidence of a very serious conflict of interest, allegiance, and loyalty, one that is at odds with the EU Treaties and dangerous to European aims and interests and one which the EU and the Member States concerned have to resolve without fail;*

Or. it

Amendment 205

Axel Voss, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Arnaud Danjean, Salvador Sedó i Alabart

Motion for a resolution Paragraph 20

Motion for a resolution

20. Calls on certain EU Member States, ***including the UK, Germany, France, Sweden and the Netherlands***, to revise ***where*** necessary their national legislation and practices governing the activities of intelligence services so as to ensure that they are in line with the standards of the European Convention on Human Rights and comply with their fundamental rights obligations as regards data protection, privacy and presumption of innocence; ***in particular, given the extensive media reports referring to mass surveillance in the UK, would emphasise that the current legal framework which is made up of a ‘complex interaction’ between three separate pieces of legislation – the***

Amendment

20. Calls on certain EU Member States to revise ***if*** necessary their national legislation and practices governing the activities of intelligence services so as to ensure that they are in line with the standards of the European Convention on Human Rights and comply with their fundamental rights obligations as regards data protection, privacy and presumption of innocence;

Human Rights Act 1998, the Intelligence Services Act 1994 and the Regulation of Investigatory Powers Act 2000 – should be revised;

Or. en

Amendment 206
Sophia in 't Veld

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Calls on *certain* EU Member States, including *the UK, Germany, France, Sweden* and the *Netherlands*, to revise *where necessary their* national legislation and practices governing the activities of intelligence services so as to ensure that they are in line with the standards of the European Convention on Human Rights and comply with their fundamental rights obligations as regards data protection, privacy and presumption of innocence; in particular, given the extensive media reports referring to mass surveillance in the UK, would emphasise that the current legal framework which is made up of a ‘complex interaction’ between three separate pieces of legislation – the Human Rights Act 1998, the Intelligence Services Act 1994 and the Regulation of Investigatory Powers Act 2000 – should be revised;

Amendment

20. Calls on *all* EU Member States, *and in particular those participating in the so-called "9-eyes" and "14-eyes" programmes, to comprehensively evaluate and revise their national legislation and practices governing the activities of intelligence services* – including *their (strategic) surveillance powers, authorisation procedures and oversight mechanisms - so as to ensure that they are in line with the standards of the European Convention on Human Rights and comply with their fundamental rights obligations as regards data protection, privacy, presumption of innocence, the necessity and proportionality of surveillance activities, as well as parliamentary and judicial oversight, as also set out in the UN compilations of good practices³⁸ⁱ and the recommendations of the Venice Commission^{38j};*

20a. Calls on the UK to revise its national legislation and practices governing the activities of intelligence services so as to ensure that they are in line with the standards of the European Convention on Human Rights and comply with their fundamental rights obligations as regards data protection, privacy and presumption of innocence; in particular, given the

extensive media reports referring to mass surveillance in the UK, would emphasise that the current legal framework which is made up of a 'complex interaction' between three separate pieces of legislation – the Human Rights Act 1998, the Intelligence Services Act 1994 and the Regulation of Investigatory Powers Act 2000 – should be revised;

20b. Calls on Germany to revise the law on the German foreign intelligence service (BND) and the G-10 Law by making them more specific, reinforcing the rights of all persons whose communications are intercepted, providing for more public information in particular as to the activities of the G10 Commission, reinforcing the technical capabilities and investigative powers of the parliamentary oversight bodies, and adjusting the laws to the developments regarding internet technology and use;

20c. Calls on France to reinforce the system of checks and balances in the field of intelligence activities so as to ensure it is in line with the European Convention on Human Right's requirements, to strengthen its general oversight mechanisms, both as regards the ex ante authorisation procedures, the involvement of the Parliament in monitoring of intelligence activities and the reinforcement of technical capabilities and investigate powers of the latter. Moreover encourages the National Commission for the Control of Security Interceptions (CNIS), independent administrative authority to monitor more closely and effectively the processing of data collected by the various intelligence agencies. Urges France to clarify the situation on allegations regarding potential agreements between intelligence services and telecommunication companies as regard access to and exchange of personal data and access to communication facilities including

Transatlantic cables. Takes notes of the adoption of the "Loi de programmation militaire 2014-2019" in December 2013 clarifying the framework according to which intelligence services may have access to communication data, with regards to fighting against terrorism.

20d. Calls on Sweden to revise the internet laws which authorised the National Defence Radio Establishment (FRA) to monitor communications traffic into and out of Sweden, cable bound as well as in the ether (radio and satellite), including emails, text messages and telephone calls and Act on signals intelligence which allows for the bulk transfer of data to other states if authorised by the Government, in order to specify the means and the scope of the surveillance and to improve the foreseeability of law which would enable an individual to foresee whether their communication or data about their communication is collected by FRA; recommends further to reinforce the system of checks and balances in oversight of the signals intelligence by including at the composition of the Inspection for Defence Intelligence Operations the parliamentarians in office.

20e. Takes notice of the review of the Dutch Intelligence and Security Act 2002 (report by the "Dessens Commission" of 2 December 2013); supports the recommendations made by this review commission to strengthen the transparency of and the control and oversight on the Dutch intelligence services; expresses its concern regarding the recommendations to extend the powers of the intelligence services so that untargeted surveillance could also be performed on cable-bound communications, especially given the fact that one of the biggest Internet Exchange Points in the world is located in Amsterdam (AMS-IX); calls for caution

in defining the mandate and capabilities of the new Joint Sigint Cyber Unit, expresses its concern about the dragnet-method applied by the Dutch General Intelligence and Security Service (AIVD) for the surveillance of specific internet forums, expresses its concern about the presence of US intelligence personnel operating equipment to intercept satellite communications in the Dutch municipality of Burum, without the necessary oversight on the surveillance operations' compliance with EU and national law, thereby considering these operations to amount to exploitation of Dutch territory as if it were US territory;

20f. Calls on Poland to revise data protection legislation in particular as far as their access by different (law enforcement or intelligence) authorities to citizens' personal data from various sources is concerned) and introduce an independent supervisory mechanism over their activity, notably in the area of intelligence and general crime prevention; strongly recommends that Poland properly applies freedom of information laws with respect to national security issues ; recommends further that any freedom of information requests shall be duly and adequately treated, notably when relevant for explaining government involvement in programs of mass surveillance and for thereby holding decision-makers accountable;

³⁸ⁱ *UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Combating Terrorism 2010, Compilation of good practices on legal and institutional frameworks and measures that ensure respect for human rights by intelligence agencies, UN General Assembly, A/HRC/14/46, 17 May 2010.*

^{38j} *European Commission for Democracy*

*Through Law (Venice Commission),
Report on Democratic Oversight of the
Security Services in Council of Europe
States, Study 388/2006, June 2007 (update
due in spring 2014).*

Or. en

Amendment 207

**Jan Philipp Albrecht, Jean Lambert, Judith Sargentini, Hélène Flautre, Rui Tavares,
Raül Romeva i Rueda**

**Motion for a resolution
Paragraph 20 a (new)**

Motion for a resolution

Amendment

20a. Calls on UK to revise their national legislation and practices governing the activities of intelligence services so as to ensure that they are in line with the standards of the European Convention on Human Rights and comply with their fundamental rights obligations as regards data protection, privacy and presumption of innocence; in particular, given the extensive media reports referring to mass surveillance in the UK, would emphasise that the current legal framework which is made up of a 'complex interaction' between three separate pieces of legislation – the Human Rights Act 1998, the Intelligence Services Act 1994 and the Regulation of Investigatory Powers Act 2000 – should be revised;

Or. en

Amendment 208

**Jan Philipp Albrecht, Hélène Flautre, Judith Sargentini, Jean Lambert, Rui Tavares,
Raül Romeva i Rueda**

**Motion for a resolution
Paragraph 20 b (new)**

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Motion for a resolution

Amendment

20b. Calls on France to revise its legal framework in the field of intelligence activities in order to comply with the European Convention on Human Rights' requirements, to strengthen its general oversight mechanisms, both as regards the ex ante authorisation procedures, the involvement of the Parliament in the monitoring of intelligence activities and the reinforcement of technical capabilities and investigative powers of the latter. Moreover, existing independent administrative authorities should be entitled to monitor more closely and effectively the processing of data collected by the various intelligence agencies. Urges French government to clarify its relations and potential agreements with telecommunication companies as regards access to and exchange of personal data and access to communication facilities including Transatlantic cables;

Or. en

Amendment 209

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra ul Romeva i Rueda

**Motion for a resolution
Paragraph 20 c (new)**

Motion for a resolution

Amendment

20c. Calls on Germany to revise the law on the German foreign intelligence service (BND) and the G-10 Law by making them more specific and ending the mass surveillance of cross-border telecommunications by the BND, reinforcing the rights of all persons whose communications are intercepted, providing for more public information in

particular as to the activities of the G10 Commission, reinforcing the technical capabilities and investigative powers of the parliamentary oversight bodies; underlines in this context that under the ECHR and the Charter of Fundamental Rights governments have to respect and protect fundamental rights, including the secrecy of communications, of all persons, not only of their own citizens and residents;

Or. en

Amendment 210

Jan Philipp Albrecht, Christian Engström, Carl Schlyter, Judith Sargentini, Jean Lambert, H  l  ne Flautre, Rui Tavares, Ra  l Romeva i Rueda

**Motion for a resolution
Paragraph 20 d (new)**

Motion for a resolution

Amendment

20d. Calls on Sweden to revise the internet laws which authorised the National Defence Radio Establishment (FRA) to monitor communications traffic into and out of Sweden, cable bound as well as in the ether (radio and satellite), including emails, text messages and telephone calls and Act on signals intelligence which allows for the bulk transfer of data to other states if authorised by the Government, in order to specify the means and the scope of the surveillance and to improve the foreseeability of law which would enable an individual to foresee whether their communication or data about their communication is collected by FRA; recommends further to reinforce the system of checks and balances in oversight of the signals intelligence by including at the composition of the Inspection for Defence Intelligence

Amendment 211

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H  l  ne Flautre, Rui Tavares, Ra  l Romeva i Rueda

**Motion for a resolution
Paragraph 20 e (new)**

Motion for a resolution

Amendment

20e. Takes note of the review of the Dutch Intelligence and Security Act 2002 (report by the "Dessens Commission" of 2 December 2013); supports those recommendations of the review commission which aim to strengthen the transparency of and the control and oversight on the Dutch intelligence services; calls on the Netherlands to refrain from extending the powers of the intelligence services so that untargeted and large-scale surveillance could also be performed on cable-bound communications of innocent citizens, especially given the fact that one of the biggest Internet Exchange Points in the world is located in Amsterdam (AMS-IX); calls for caution in defining the mandate and capabilities of the new Joint Sigint Cyber Unit, as well as for the presence and operation by US intelligence personnel on Dutch territory;

Amendment 212

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H  l  ne Flautre, Rui Tavares, Ra  l Romeva i Rueda

**Motion for a resolution
Paragraph 20 f (new)**

Motion for a resolution

Amendment

20f. Calls on Poland to revise police and secret services' powers (in particular as far as their access to citizens' personal data from various sources is concerned) and introduce an independent supervisory mechanism over their activity, notably in the area of intelligence and general crime prevention; strongly recommends that Poland properly applies freedom of information laws with respect to national security issues in accordance with the Global Principles on the National Security and Access to Information, recently endorsed by the Parliamentary Assembly of the Council of Europe in its Resolution 1954 (2013) on National security and access to information; recommends further that any freedom of information requests shall be duly and adequately treated, notably when relevant for explaining government involvement in programs of mass surveillance and for thereby holding decision-makers accountable;

Or. en

Amendment 213
Cornelia Ernst

Motion for a resolution
Paragraph 21

Motion for a resolution

21. Calls on the Member States to refrain from accepting data from third states which have been collected unlawfully and from allowing surveillance activities on their territory by third states' governments or agencies which are unlawful under national law or do not meet the legal safeguards enshrined in international or EU

Amendment

21. Calls on the Member States, ***including when represented by their intelligence agencies***, to refrain from accepting data from third states which have been collected unlawfully and from allowing surveillance activities on their territory by third states' governments or agencies which are unlawful under national law or do not meet

instruments, including the protection of Human Rights under the TEU, the ECHR and the EU Charter of Fundamental Rights;

the legal safeguards enshrined in international or EU instruments, including the protection of Human Rights under the TEU, the ECHR and the EU Charter of Fundamental Rights;

Or. en

Amendment 214
Sophia in 't Veld, Nadja Hirsch

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Calls on the Member States immediately to fulfil their positive obligation under the European Convention on Human Rights to protect their citizens from surveillance contrary to its requirements, including when the aim thereof is to safeguard national security, undertaken by third states and to ensure that the rule of law is not weakened as a result of extraterritorial application of a third *country's* law;

Amendment

22. Calls on the Member States immediately to fulfil their positive obligation under the European Convention on Human Rights to protect their citizens from surveillance contrary to its requirements, including when the aim thereof is to safeguard national security, undertaken by third states *or by their own intelligence services* and to ensure that the rule of law is not weakened as a result of extraterritorial application of a third *country's* law;

Or. en

Amendment 215
Axel Voss, Elena Oana Antonescu, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Salvador Sedó i Alabart

Motion for a resolution
Paragraph 22

Motion for a resolution

22. Calls on the Member States immediately to fulfil their positive obligation under the European Convention on Human Rights to protect their citizens

Amendment

22. Calls on the Member States immediately to fulfil their positive obligation under the European Convention on Human Rights to *take measures to*

from surveillance *contrary to its requirements*, including when the aim thereof is to safeguard national security, undertaken by third states and to ensure that the rule of law is not weakened as a result of extraterritorial application of a third country's law;

protect their citizens from surveillance *which violates human rights*, including when the aim thereof is to safeguard national security, undertaken by third states and to ensure that the rule of law is not weakened as a result of extraterritorial application of a third country's law;

Or. en

Amendment 216
Arnaud Danjean

Motion for a resolution
Paragraph 23

Motion for a resolution

Amendment

23. Invites 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';

deleted

Or. en

Amendment 217
Axel Voss, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Arnaud Danjean, Salvador Sedó i Alabart

Motion for a resolution
Paragraph 24

Motion for a resolution

Amendment

24. Calls on Member States to take appropriate action immediately, including court action, against the breach of their sovereignty, and thereby the violation of

24. Calls on EU Member States to make use of all available international measures to defend EU citizens' fundamental rights, notably by triggering the inter-state

general public international law, perpetrated through the mass surveillance programmes; calls *further* on EU Member States to make use of all available international measures to defend EU citizens' fundamental rights, notably by triggering the inter-state complaint procedure under Article 41 of the International Covenant on Civil and Political Rights (ICCPR);

complaint procedure under Article 41 of the International Covenant on Civil and Political Rights (ICCPR);

Or. en

Amendment 218
Claude Moraes

Motion for a resolution
Paragraph 25

Motion for a resolution

25. Calls on the US to revise its legislation without delay in order to bring it into line with international law, to recognise the privacy and other rights of EU citizens, to provide for judicial redress for EU citizens and to sign the *Additional* Protocol allowing for complaints by individuals under the ICCPR;

Amendment

25. Calls on the US to revise its legislation without delay in order to bring it into line with international law, to recognise the privacy and other rights of EU citizens, to provide for judicial redress for EU citizens and to sign the *Optional* Protocol allowing for complaints by individuals under the ICCPR;

Or. en

Amendment 219
Axel Voss, Ágnes Hankiss, Elena Oana Antonescu, Hubert Pirker, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Salvador Sedó i Alabart

Motion for a resolution
Paragraph 25

Motion for a resolution

25. Calls on the US to revise its legislation without delay in order to bring it into line

Amendment

25. Calls on the US to revise its legislation without delay in order to bring it into line

with international law, to recognise the privacy and other rights of EU citizens, to provide for judicial redress for EU citizens and to sign the Additional Protocol allowing for complaints by individuals under the ICCPR;

with international law, to recognise the privacy and other rights of EU citizens, to provide for judicial redress for EU citizens, ***to put rights of EU citizens on an equal footing with rights of US citizens*** and to sign the Additional Protocol allowing for complaints by individuals under the ICCPR;

Or. en

Amendment 220

Claude Moraes, Ana Gomes, Annemie Neyts-Uyttebroeck, José Ignacio Salafranca Sánchez-Neyra

Motion for a resolution

Paragraph 25 a (new)

Motion for a resolution

Amendment

25a. Welcomes in this regard the remarks made and the Presidential Policy Directive issued by US President Obama on 17 January 2014 as a step towards limiting the authorisation for the use of surveillance and data processing to national security purposes and towards equal treatment of all individuals' personal information, regardless of their nationality or residence, by the US intelligence community; however awaits in the context of the EU-US relationship further specific steps which will, most importantly, strengthen trust in transatlantic data transfers and provide for binding guarantees for enforceable privacy rights of EU citizens, as outlined in detail in this report;

Or. en

Amendment 221

Claude Moraes, Birgit Sippel

**Motion for a resolution
Paragraph 26**

Motion for a resolution

26. Strongly opposes any conclusion of an additional protocol or guidance to the Council of Europe Cybercrime Convention (Budapest Convention) on transborder access to stored computer data which could provide for a legitimisation of intelligence services' access to data stored in another jurisdiction without its authorisation and without the use of existing mutual legal assistance instruments, since this could result in unfettered remote access by law enforcement authorities to servers and computers located in other jurisdictions and would be in conflict with Council of Europe Convention 108;

Amendment

26. Stresses its serious concerns about 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 trans-border access to stored computer data with consent or where publicly available and opposes any conclusion of an additional protocol or guidance intending to broaden the scope of this provision beyond the current regime established by this Convention, which already is 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, namely Council of Europe Convention 108;

Or. en

Amendment 222

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra l Romeva i Rueda

**Motion for a resolution
Paragraph 28**

Motion for a resolution

28. Notes that the companies identified by media revelations as being involved in the **large-scale** mass surveillance of EU data subjects by US NSA are companies that have self-certified their adherence to the

Amendment

28. Notes that the companies identified by media revelations as being involved in the **large scale** mass surveillance of EU data subjects by US NSA are companies that have self-certified their adherence to the

Safe Harbour, and that the Safe Harbour is the legal instrument used for the transfer of EU personal data to the US (Google, Microsoft, Yahoo!, Facebook, Apple, LinkedIn); ***expresses its concerns on*** the fact that these organisations admitted that they do not encrypt information and communications flowing between their data centres, thereby enabling intelligence services to intercept information³⁹ ;

³⁹ The Washington Post, 31 October 2013.

Safe Harbour, and that the Safe Harbour is the legal instrument used for the transfer of EU personal data to the US (Google, Microsoft, Yahoo!, Facebook, Apple, LinkedIn); ***is alarmed by*** the fact that these organisations admitted that they do not encrypt information and communications flowing between their data centres, thereby enabling intelligence services to intercept information³⁹ ;

³⁹ The Washington Post, 31 October 2013.

Or. en

Amendment 223

Axel Voss, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Salvador Sedó i Alabart

Motion for a resolution

Paragraph 28

Motion for a resolution

28. Notes that the companies identified by media revelations as being involved in the large-scale mass surveillance of EU data subjects by US NSA are companies that have self-certified their adherence to the Safe Harbour, and that the Safe Harbour is the legal instrument used for the transfer of EU personal data to the US (Google, Microsoft, Yahoo!, Facebook, Apple, LinkedIn); expresses its concerns on the fact that these organisations admitted that they do not encrypt information and communications flowing between their data centres, thereby enabling intelligence services to intercept information³⁹ ;

Amendment

28. Notes that the companies identified by media revelations as being involved in the large-scale mass surveillance of EU data subjects by US NSA are companies that have self-certified their adherence to the Safe Harbour, and that the Safe Harbour is the legal instrument used for the transfer of EU personal data to the US (Google, Microsoft, Yahoo!, Facebook, Apple, LinkedIn); expresses its concerns on the fact that these organisations admitted that they do not encrypt information and communications flowing between their data centres, thereby enabling intelligence services to intercept information³⁹; ***welcomes in this regard the subsequent efforts by some US companies to accelerate plans to encrypt data flows among their global data centres;***

³⁹ The Washington Post, 31 October 2013.

³⁹ The Washington Post, 31 October 2013.

Or. en

Amendment 224

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra il Romeva i Rueda

**Motion for a resolution
Paragraph 29**

Motion for a resolution

29. Considers that large-scale access by US intelligence agencies to EU personal data processed by Safe Harbour does not *per se* meet the criteria for derogation under ‘national security’;

Amendment

29. Considers that large-scale access by US intelligence agencies to EU personal data processed by Safe Harbour does not meet the criteria for derogation under ‘national security’;

Or. en

Amendment 225

Cornelia Ernst

**Motion for a resolution
Paragraph 29**

Motion for a resolution

29. Considers that large-scale access by US intelligence agencies to EU personal data processed by Safe Harbour does not *per se* meet the criteria for derogation under ‘national security’;

Amendment

29. Considers that large-scale access by US intelligence agencies to EU personal data processed by Safe Harbour does not meet the criteria for derogation under ‘national security’;

Or. en

Amendment 226

Sarah Ludford, Jens Rohde, Nils Torvalds

**Motion for a resolution
Paragraph 30**

Motion for a resolution

30. Takes the view that, ***as under the current circumstances the Safe Harbour principles do not provide adequate protection for EU citizens***, these transfers should be carried out under other instruments, such as contractual clauses or BCRs setting out specific safeguards and protections;

Amendment

30. Takes the view that ***if by the announced deadline there is no satisfactory response from the US authorities to the Commission's 13 recommendations for strengthened safeguards within the current Safe Harbour***, these transfers should be carried out under other instruments, such as contractual clauses or BCRs setting out specific safeguards and protections ***pending the replacement of Safe Harbour by a new framework for transatlantic transfers which meets European privacy standards***;

Or. en

Amendment 227
Cornelia Ernst

Motion for a resolution
Paragraph 30

Motion for a resolution

30. Takes the view that, as under the current circumstances the Safe Harbour principles do not provide adequate protection for EU citizens, these transfers should be carried out under other instruments, ***such as contractual clauses or BCRs setting*** out specific safeguards and protections;

Amendment

30. Takes the view that, as under the current circumstances the Safe Harbour principles do not provide adequate protection for EU citizens, these transfers should be carried out under other instruments ***only if these instruments set out specific safeguards and protections whose implementation is guaranteed and that are not circumvented by other legal instruments***;

Or. en

Amendment 228
Cornelia Ernst, Martin Ehrenhauser

Motion for a resolution
Paragraph 30 a (new)

Motion for a resolution

Amendment

30a. Takes the view that the Commission has failed to act to remedy the well-known deficiencies of the current implementation of Safe Harbour;

Or. en

Amendment 229
Jan Mulder

Motion for a resolution
Paragraph 31

Motion for a resolution

Amendment

31. Calls on the Commission to present measures providing for the immediate suspension of Commission Decision 520/2000, which declared the adequacy of the Safe Harbour privacy principles, and of the related FAQs issued by the US Department of Commerce;

deleted

Or. en

Amendment 230
Sarah Ludford, Jens Rohde, Nils Torvalds

Motion for a resolution
Paragraph 31

Motion for a resolution

Amendment

31. Calls on the Commission to present **measures providing for the immediate suspension of** Commission Decision 520/2000, which declared the adequacy of the Safe Harbour privacy principles, and of the related FAQs issued by the US

31. Calls on the Commission to present **a proposal for a new framework for transatlantic transfers which meets European privacy standards to replace** Commission Decision 520/2000, which declared the adequacy of the Safe Harbour

Department of Commerce;

privacy principles, and of the related FAQs issued by the US Department of Commerce;

Or. en

Amendment 231
Jan Mulder

Motion for a resolution
Paragraph 32

Motion for a resolution

Amendment

32. Calls on Member States' competent authorities, namely the data protection authorities, to make use of their existing powers and immediately suspend data flows to any organisation that has self-certified its adherence to the US Safe Harbour Principles and to require that such data flows are only carried out under other instruments, provided they contain the necessary safeguards and protections with respect to the protection of the privacy and fundamental rights and freedoms of individuals;

deleted

Or. en

Amendment 232
Sarah Ludford, Jens Rohde, Nils Torvalds

Motion for a resolution
Paragraph 32

Motion for a resolution

Amendment

32. Calls on Member States' competent authorities, namely the data protection authorities, to make use of their existing powers and immediately suspend data flows to any organisation that has self-certified its adherence to the US Safe

32. Calls on Member States' competent authorities, namely the data protection authorities, to make use of their existing powers and immediately suspend data flows to any organisation that has ***wrongly or deceptively*** self-certified its adherence

Harbour Principles and to require that such data flows are only carried out under other instruments, provided they contain the necessary safeguards and protections with respect to the protection of the privacy and fundamental rights and freedoms of individuals;

to the US Safe Harbour Principles and to require that such data flows are only carried out under other instruments, provided they contain the necessary safeguards and protections with respect to the protection of the privacy and fundamental rights and freedoms of individuals;

Or. en

Amendment 233

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H  l  ne Flautre, Rui Tavares, Ra  l Romeva i Rueda

Motion for a resolution Paragraph 33

Motion for a resolution

33. Calls on the Commission to present by June 2014 a comprehensive assessment of the US privacy framework covering commercial, law enforcement and intelligence activities *in response to the fact that the EU and the US legal systems for protecting personal data are drifting apart*;

Amendment

33. Calls on the Commission to present by June 2014 a comprehensive assessment of the US privacy framework covering commercial, law enforcement and intelligence activities *and concrete recommendations and consequences based on the absence of a general data protection law in the US*;

Or. en

Amendment 234

Sarah Ludford, Jens Rohde, Nils Torvalds, Axel Voss

Motion for a resolution Paragraph 33

Motion for a resolution

33. Calls on the Commission to present by June 2014 a comprehensive assessment of the US privacy framework covering commercial, law enforcement and intelligence activities in response to the

Amendment

33. Calls on the Commission to present by June 2014 a comprehensive assessment of the US privacy framework covering commercial, law enforcement and intelligence activities in response to the

fact that the EU and the US legal systems for protecting personal data are drifting apart;

fact that the EU and the US legal systems for protecting personal data are drifting apart ***and a strategy for convergence on the basis of high and enforceable privacy standards;***

Or. en

Amendment 235

Claude Moraes, Ana Gomes, Annemie Neyts-Uyttebroeck, José Ignacio Salafranca Sánchez-Neyra

Motion for a resolution Paragraph 33

Motion for a resolution

33. Calls on the Commission to present by June 2014 a comprehensive assessment of the US privacy framework covering commercial, law enforcement and intelligence activities in response to the fact that the EU and the US legal systems for protecting personal data are drifting apart;

Amendment

33. Calls on the Commission to present by June 2014 a comprehensive assessment of the US privacy framework covering commercial, law enforcement and intelligence activities in response to the fact that the EU and the US legal systems for protecting personal data are drifting apart; ***encourages the Commission to engage with the US administration and the US Congress to enhance compatibility of EU and US privacy frameworks;***

Or. en

Amendment 236

Gianni Vattimo

Motion for a resolution Paragraph 33 a (new)

Motion for a resolution

Amendment

33a. Believes that companies which have collaborated or are involved in mass surveillance operations under the programmes of the US or other European or non-European countries and have

failed to inform the European authorities about the conflict of laws should be scrutinised without delay and a decision taken on their exclusion from the Safe Harbour arrangement;

Or. it

Amendment 237

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ne Flautre, Rui Tavares, Ra l Romeva i Rueda

Motion for a resolution

Paragraph 37

Motion for a resolution

37. Calls on the Commission and the Member States to assess without delay whether the adequate level of protection of the New Zealand and of the Canadian Personal Information Protection and Electronic Documents Act, as declared by Commission Decisions 2013/65⁴⁰ and 2/2002 of 20 December 2001, have been affected by the involvement of their national intelligence agencies in the mass surveillance of EU citizens and, if necessary, to take appropriate measures to suspend or reverse the adequacy decisions; expects the Commission to report to the European Parliament on its findings on the abovementioned countries by December 2014 at the latest;

⁴⁰ OJ L 28, 30.1.2013, p. 12.

Amendment

37. Calls on the Commission and the Member States to assess without delay whether the adequate level of protection of the New Zealand and of the Canadian Personal Information Protection and Electronic Documents Act, as declared by Commission Decisions 2013/65⁴⁰ and 2/2002 of 20 December 2001, have been affected by the involvement of their national intelligence agencies in the mass surveillance of EU citizens and, if necessary, to take appropriate measures to suspend or reverse the adequacy decisions; ***also calls on the Commission to assess the situation for other countries that have received an adequacy rating***; expects the Commission to report to the European Parliament on its findings on the abovementioned countries by December 2014 at the latest;

⁴⁰ OJ L 28, 30.1.2013, p. 12.

Or. en

Amendment 238

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ne Flautre, Rui Tavares,

Raül Romeva i Rueda

Motion for a resolution

Paragraph 39

Motion for a resolution

39. Calls on the Member States to prohibit or suspend data flows to third countries based on the standard contractual clauses, contractual clauses or BCRs authorised by the national competent authorities where it is established that the law to which the data **importer** is subject imposes upon him requirements which go beyond the restrictions necessary in a democratic society and which are likely to have a **substantial** adverse effect on the guarantees provided by the applicable data protection law and the standard contractual clauses, or because continuing transfer would create **an imminent** risk of **grave harm to** the data subjects;

Amendment

39. Calls on the Member States to prohibit or suspend data flows to third countries based on the standard contractual clauses, contractual clauses or BCRs authorised by the national competent authorities where it is established that the law to which the data **recipient** is subject imposes upon him requirements which go beyond the restrictions **strictly** necessary, **adequate and proportionate** in a democratic society and which are likely to have **an** adverse effect on the guarantees provided by the applicable data protection law and the standard contractual clauses, or because continuing transfer would create **a** risk of **mass surveillance of** the data subjects **without suspicion**;

Or. en

Amendment 239

Cornelia Ernst

Motion for a resolution

Paragraph 39

Motion for a resolution

39. Calls on the Member States to prohibit or suspend data flows to third countries based on the standard contractual clauses, contractual clauses or BCRs authorised by the national competent authorities where it is **established** that the law to which the data importer is subject imposes upon him requirements which go beyond the restrictions necessary in a democratic society and which are likely to have a **substantial** adverse effect on the

Amendment

39. Calls on the Member States to prohibit or suspend data flows to third countries based on the standard contractual clauses, contractual clauses or BCRs authorised by the national competent authorities where it is **likely** that the law to which the data importer is subject imposes upon him requirements which go beyond the restrictions necessary in a democratic society and which are likely to have an adverse effect on the guarantees provided

guarantees provided by the applicable data protection law and the standard contractual clauses, or because continuing transfer would create an imminent risk of **grave** harm to the data subjects;

by the applicable data protection law and the standard contractual clauses, or because continuing transfer would create an imminent risk of harm to the data subjects;

Or. en

Amendment 240
Cornelia Ernst

Motion for a resolution
Paragraph 40

Motion for a resolution

40. Calls on the Article 29 Working Party to issue guidelines and recommendations on the safeguards and protections that contractual instruments for international transfers of EU personal data should contain in order to ensure the protection of the privacy, fundamental rights and freedoms of individuals, taking particular account of the third-country laws on intelligence and national security and the involvement of the companies receiving the data in a third country in mass surveillance activities by a third country's intelligence agencies;

Amendment

40. Calls on the Article 29 Working Party to issue guidelines and recommendations on the safeguards and protections that contractual instruments for international transfers of EU personal data should contain in order to ensure, ***if at all possible***, the protection of the privacy, fundamental rights and freedoms of individuals, taking particular account of the third-country laws on intelligence and national security and the involvement of the companies receiving the data in a third country in mass surveillance activities by a third country's intelligence agencies;

Or. en

Amendment 241
Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra il Romeva i Rueda

Motion for a resolution
Paragraph 41

Motion for a resolution

41. Calls on the Commission to examine the standard contractual clauses it has

Amendment

41. Calls on the Commission to examine ***without delay*** the standard contractual

established in order to assess whether they provide the necessary protection as regards access to personal data transferred under the clauses for intelligence purposes and, if appropriate, to review them;

clauses it has established in order to assess whether they provide the necessary protection as regards access to personal data transferred under the clauses for intelligence purposes and, if appropriate, to review them;

Or. en

Amendment 242
Carmen Romero López

Motion for a resolution
Paragraph 42

Motion for a resolution

42. Calls on the Commission to conduct before the end 2014 an in-depth assessment of the existing Mutual Legal Assistance Agreement, pursuant to its Article 17, in order to verify its practical implementation and, in particular, whether the US has made effective use of it for obtaining information or evidence in the EU and whether the Agreement has been circumvented to acquire the information directly in the EU, and to assess the impact on the fundamental rights of individuals; such an assessment should not only refer to US official statements as a sufficient basis for the analysis but be based on specific EU evaluations; this in-depth review should also address the consequences of the application of the Union's constitutional architecture to this instrument in order to bring it into line with Union law, taking account in particular of Protocol 36 and Article 10 thereof and Declaration 50 concerning this protocol;

Amendment

42. Calls on the Commission to conduct before the end 2014 an in-depth assessment of the existing Mutual Legal Assistance Agreement, pursuant to its Article 17, in order to verify its practical implementation and, in particular, whether the US has made effective use of it for obtaining information or evidence in the EU and whether the Agreement has been circumvented to acquire the information directly in the EU, and to assess the impact on the fundamental rights of individuals; such an assessment should not only refer to US official statements as a sufficient basis for the analysis but be based on specific EU evaluations; this in-depth review should also address the consequences of the application of the Union's constitutional architecture to this instrument in order to bring it into line with Union law, taking account in particular of Protocol 36 and Article 10 thereof and Declaration 50 concerning this protocol; ***calls on the Council and Commission also to assess bilateral agreements between Member States and the United States so as to ensure that they are consistent with the agreements that the EU follows or decides to follow with the***

Amendment 243
Anna Maria Corazza Bildt

Motion for a resolution
Paragraph 42

Motion for a resolution

42. Calls on the Commission to conduct before the end 2014 an in-depth assessment of the existing Mutual Legal Assistance Agreement, pursuant to its Article 17, in order to verify its practical implementation and, in particular, whether the US has made effective use of it for obtaining information or evidence in the EU and whether the Agreement has been circumvented to acquire the information directly in the EU, and to assess the impact on the fundamental rights of individuals; ***such an assessment should not only refer to US official statements as a sufficient basis for the analysis but be based on specific EU evaluations; this in-depth review should also address the consequences of the application of the Union's constitutional architecture to this instrument in order to bring it into line with Union law, taking account in particular of Protocol 36 and Article 10 thereof and Declaration 50 concerning this protocol;***

Amendment

42. Calls on the Commission to conduct before the end 2014 an in-depth assessment of the existing Mutual Legal Assistance Agreement, pursuant to its Article 17, in order to verify its practical implementation and, in particular, whether the US has made effective use of it for obtaining information or evidence in the EU and whether the Agreement has been circumvented to acquire the information directly in the EU, and to assess the impact on the fundamental rights of individuals;

Amendment 244
Carmen Romero López

Motion for a resolution
Paragraph 44

Motion for a resolution

44. Takes the view that the information provided by the European Commission and the US Treasury does not clarify whether US intelligence agencies have access to SWIFT financial messages in the EU by intercepting SWIFT networks or banks' operating systems or communication networks, alone or in cooperation with EU national intelligence agencies and without having recourse to existing bilateral channels for mutual legal assistance and judicial cooperation;

Amendment

44. Takes the view that the information provided by the European Commission and the US Treasury does not clarify whether US intelligence agencies have access to SWIFT financial messages in the EU by intercepting SWIFT networks or banks' operating systems or communication networks, alone or in cooperation with EU national intelligence agencies and without having recourse to existing bilateral channels for mutual legal assistance and judicial cooperation; ***notes that it also fails to clarify whether these agencies have had access to PNR;***

Or. es

Amendment 245
Cornelia Ernst, Martin Ehrenhauser

Motion for a resolution
Paragraph 44

Motion for a resolution

44. Takes the view that ***the information provided by the European Commission and the US Treasury does not clarify whether*** US intelligence agencies have access to SWIFT financial messages in the EU by intercepting SWIFT networks or banks' operating systems or communication networks, alone or in cooperation with EU national intelligence agencies and without having recourse to existing bilateral channels for mutual legal assistance and judicial cooperation;

Amendment

44. Takes the view that US intelligence agencies have access to SWIFT financial messages in the EU by intercepting SWIFT networks or banks' operating systems or communication networks, alone or in cooperation with EU national intelligence agencies and without having recourse to existing bilateral channels for mutual legal assistance and judicial cooperation;

Or. en

Amendment 246

Axel Voss, Ágnes Hankiss, Hubert Pirker, Anna Maria Corazza Bildt, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Arnaud Danjean, Timothy Kirkhope, Salvador Sedó i Alabart

Motion for a resolution

Paragraph 44

Motion for a resolution

44. Takes the view that the information provided by the European Commission and the US Treasury *does not clarify whether US intelligence agencies have access to SWIFT financial messages in the EU by intercepting SWIFT networks or banks' operating systems or communication networks, alone or in cooperation with EU national intelligence agencies and without having recourse to existing bilateral channels for mutual legal assistance and judicial cooperation;*

Amendment

44. 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 247

Timothy Kirkhope
on behalf of the ECR Group

Motion for a resolution

Paragraph 45

Motion for a resolution

45. Reiterates its resolution of 23 October 2013 and asks the Commission for the suspension of the TFTP Agreement;

Amendment

deleted

Or. en

Amendment 248

Axel Voss, Ágnes Hankiss, Anna Maria Corazza Bildt, Véronique Mathieu Houillon,

Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Arnaud Danjean, Timothy Kirkhope, Salvador Sedó i Alabart

**Motion for a resolution
Paragraph 45**

Motion for a resolution

Amendment

45. Reiterates its resolution of 23 October 2013 and asks the Commission for the suspension of the TFTP Agreement; *deleted*

Or. en

**Amendment 249
Jan Mulder**

**Motion for a resolution
Paragraph 45**

Motion for a resolution

Amendment

45. Reiterates its resolution of 23 October 2013 and asks the Commission for the suspension of the TFTP Agreement;

45. Asks the Commission to present proposals for a new system in which the extraction of data would take place inside the EU;

Or. en

**Amendment 250
Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, Hélène Flautre, Rui Tavares, Raül Romeva i Rueda**

**Motion for a resolution
Paragraph 45**

Motion for a resolution

Amendment

45. Reiterates its resolution of 23 October 2013 and asks the Commission for the *suspension* of the TFTP Agreement;

45. Reiterates its resolution of 23 October 2013 and asks the Commission for the *termination* of the TFTP Agreement;

Or. en

Amendment 251

Monika Hohlmeier, Agustín Díaz de Mera García Consuegra, Véronique Mathieu Houillon

Motion for a resolution

Paragraph 45

Motion for a resolution

45. Reiterates its resolution of 23 October 2013 and asks the Commission for the suspension of the TFTP Agreement;

Amendment

45. Underlines the benefits of an EU system to track and identify terrorist activities through financial transactions and the clear commitment of such an EU System to the fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union;

Or. en

Amendment 252

Teresa Jiménez-Becerril Barrio

Motion for a resolution

Paragraph 45 a (new)

Motion for a resolution

45a. Recalls that TFTP data is a unique instrument to provide timely and reliable information about activities associated with suspected acts of terrorist financing and planning;

Amendment

Or. en

Amendment 253

Teresa Jiménez-Becerril Barrio

Motion for a resolution

Paragraph 45 b (new)

Motion for a resolution

Amendment

45b. Considers the EU-US TFTP agreement as adding substantial security benefits for EU citizens and as a very efficient tools to investigate and prosecute terrorism and its financing;

Or. en

Amendment 254

Teresa Jiménez-Becerril Barrio

**Motion for a resolution
Paragraph 45 c (new)**

Motion for a resolution

Amendment

45c. Recalls that in absence of an EU system allowing for the extraction of TFTP data on EU soil, the EU-US TFTP agreement is the sole instrument permitting European counterterrorism investigators to uncover links between targets of investigation and potential other suspects connected with wider terrorist networks or organisations suspected of financing terrorism;

Or. en

Amendment 255

Jan Philipp Albrecht, Judith Sargentini, Jean Lambert, H el ene Flautre, Rui Tavares, Ra ul Romeva i Rueda, Carl Schlyter

**Motion for a resolution
Paragraph 46**

Motion for a resolution

Amendment

46. Calls on the European Commission to react to concerns that three of the major computerised reservation systems used by

46. Calls on the European Commission to react to concerns that three of the **four** major computerised reservation systems

airlines worldwide are based in the US and that PNR data are saved in cloud systems operating on US soil under US law, which lacks data protection adequacy;

used by airlines worldwide are based in the US and that PNR data are saved in cloud systems operating on US soil under US law, which lacks data protection adequacy; ***states that this undermines the legitimacy and effectiveness of the PNR agreement; calls for termination of the EU US PNR agreement;***

Or. en

Amendment 256
Carmen Romero López

Motion for a resolution
Paragraph 46

Motion for a resolution

46. Calls on the European Commission to react to concerns that three of the major computerised reservation systems used by airlines worldwide are based in the US and that PNR data are saved in cloud systems operating on US soil under US law, which lacks data protection adequacy;

Amendment

46. Calls on the European Commission to react to concerns that three of the major computerised reservation systems used by airlines worldwide are based in the US and that PNR data are saved in cloud systems operating on US soil under US law, which lacks data protection adequacy; ***calls on it to suspend the PNR agreement also until the situation which prompted this Committee of Inquiry has been remedied;***

Or. es

Amendment 257
Birgit Sippel, Carmen Romero López, Josef Weidenholzer

Motion for a resolution
Paragraph 46

Motion for a resolution

46. Calls on the European Commission to react to concerns that three of the major computerised reservation systems used by airlines worldwide are based in the US and

Amendment

46. Calls on the European Commission to react to concerns that three of the major computerised reservation systems used by airlines worldwide are based in the US and

that PNR data are saved in cloud systems operating on US soil under US law, which lacks data protection adequacy;

that PNR data are saved in cloud systems operating on US soil under US law, which lacks data protection adequacy; ***states that this, in addition to other points, undermines the legitimacy of the EU US PNR agreement and therefore calls on the European Commission to immediately start a consultation procedure with their US counterparts under Article 24 of the agreement with a view to clarify whether or not PNR data have been compromised; Calls on the European Commission to make full use of their powers under Article 24 to suspend the application of the Agreement if no satisfactory answers can be obtained or PNR data have indeed been compromised;***

Or. en

Amendment 258
Martin Ehrenhauser

Motion for a resolution
Paragraph 46

Motion for a resolution

46. Calls on the European Commission to react to concerns that three of the major computerised reservation systems used by airlines worldwide are based in the US and that PNR data are saved in cloud systems operating on US soil under US law, which lacks data protection adequacy;

Amendment

46. Calls on the European Commission to react to concerns that three of the major computerised reservation systems used by airlines worldwide are based in the US and that PNR data are saved in cloud systems operating on US soil under US law, which lacks data protection adequacy, ***which means that the US-EU PNR agreement should be suspended until data protection can be demonstrably and credibly guaranteed in the long term;***

Or. de

Amendment 259
Cornelia Ernst

**Motion for a resolution
Paragraph 46 a (new)**

Motion for a resolution

Amendment

46a. Calls for the termination of the PNR agreement with the United States;

Or. en

**Amendment 260
Cornelia Ernst**

**Motion for a resolution
Paragraph 46 b (new)**

Motion for a resolution

Amendment

46b. Calls on the Commission, Council and the Member States to stop all efforts to establish systems collecting and processing PNR information, both on national and European level;

Or. en

**Amendment 261
Cornelia Ernst**

**Motion for a resolution
Paragraph 47**

Motion for a resolution

Amendment

47. Considers that a satisfactory solution under the ‘Umbrella agreement’ is a precondition for the full restoration of trust between the transatlantic partners;

deleted

Or. en

Amendment 262
Anna Maria Corazza Bildt

Motion for a resolution
Paragraph 47

Motion for a resolution

47. Considers that a satisfactory **solution under** the ‘Umbrella agreement’ is **a precondition for the full restoration of** trust between the transatlantic partners;

Amendment

47. Considers that a satisfactory **conclusion of** the ‘Umbrella agreement’ is **an important step forward to restore full** trust between the transatlantic partners;

Or. en

Amendment 263
Martin Ehrenhauser, Cornelia Ernst

Motion for a resolution
Paragraph 47

Motion for a resolution

47. Considers that a satisfactory solution under the ‘Umbrella agreement’ is **a precondition for the full restoration of trust between the transatlantic partners;**

Amendment

47. Considers that a satisfactory solution under the ‘Umbrella agreement’ is **possible only if effective judicial review measures are also guaranteed beforehand for non-US citizens, so that they can take legal action against violations of their rights;**

Or. de

Amendment 264
Axel Voss, Ágnes Hankiss, Georgios Papanikolaou, Elena Oana Antonescu, Hubert Pirker, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Salvador Sedó i Alabart

Motion for a resolution
Paragraph 48

Motion for a resolution

48. Asks for an immediate resumption of the negotiations with the US on the ‘Umbrella Agreement’, which should

Amendment

48. Asks for an immediate resumption of the negotiations with the US on the ‘Umbrella Agreement’, which should **put**

provide for clear rights for *EU* citizens *and* effective and enforceable administrative and judicial remedies in the US without any discrimination;

rights for EU citizens on an equal footing with rights for *US* citizens, *moreover the agreement should provide* effective and enforceable administrative and judicial remedies *for all EU citizens* in the US without any discrimination;

Or. en

Amendment 265

Axel Voss, Véronique Mathieu Houillon, Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio, Salvador Sedó i Alabart

Motion for a resolution Paragraph 49

Motion for a resolution

49. Asks the Commission and the Council not to initiate any new sectorial agreements or arrangements for the transfer of personal data for law enforcement purposes as long as the 'Umbrella Agreement' has not entered into force;

Amendment

49. Asks the Commission and the Council not to initiate any new sectorial agreements or arrangements for the transfer of personal data for law enforcement purposes *with the US* as long as the 'Umbrella Agreement' has not entered into force;

Or. en