



11 November 2009

Re: Stockholm Programme Voting List

Dear Member of the European Parliament,

European Digital Rights is an association of 28 privacy and civil rights organisations based in 18 European countries and that is active across the European Union. As a result, the Parliament's report on the Stockholm Programme is of major importance to our members. We welcome the work done by the Parliament on this dossier to date and would like to support your deliberations by providing input on some of the amendments that have been proposed.

You will find below a table containing a list of amendments which we urge you to support in the upcoming vote on this dossier, together with a brief explanation of why we feel that they are worthy of support. Due to the large number of amendments that have been tabled, we have chosen to prioritise certain proposals which are of greatest importance to us. This should not be understood to mean that we necessarily oppose any of the amendments not on our list.

Yours faithfully,

Joe McNamee
EU Advocacy Coordinator



AMD	Justification
<u>AM30</u>	There is a clear need to ensure that the voice of civil society is heard in such discussions.
<u>AM96</u>	It is important that the process of periodic assessment be as effective as possible. Failure to take specialist views into account will result in mistaken, counter-productive and/or technologically-outdated legislation remaining in force.
<u>AM99</u>	It is clearly better to build the new and more far-reaching policies envisaged under the Stockholm Programme on measures that are demonstrably effective.
<u>AM10</u> <u>1</u>	A proper review, rather than a potentially politically skewed process run solely by the European Commission, is needed in order to assess the real impact of far-reaching infringements to the right to privacy that have been imposed over recent years.
<u>AM10</u> <u>2</u>	Consultation with civil society organisations on the implementation of the Stockholm Programme would help ensure a better balance.
<u>AM13</u> <u>9</u>	More effective protection of personal data and privacy are urgently needed in this policy area.
<u>AM15</u> <u>5</u>	This amendment simply demands a basic level of diligence from the European Commission. It is unacceptable that the Commission can propose EU-wide measures without first assessing the impact of such measures in those EU Member States where they are already in force. Similarly, where a measure risks becoming disproportionate due to technological changes, it is clear that it should be kept under regular review.
<u>AM15</u> <u>9</u>	We have seen in the recent “leak” of documents related to the Anti-Counterfeiting Trade Agreement” (ACTA) and ongoing discussions between the Commission and the internet industry regarding “self-regulation” on IPR, terrorism etc, that there is a considerable risk of transparent regulation being replaced by “arm-twisting” of industry to apply “self-regulation” that would not pass the scrutiny of democratic decision-making. The Parliament should take all necessary precautions to avoid being circumvented in this way.
<u>AM16</u> <u>2</u>	<p>The Commission proposed, in its Communication (2009/262 final) on an area of freedom, security and justice, a process (“revoking” of IP addresses) of attacking web resources abroad, based on the allegation that they are “criminal”. The potential knock-on effects of such a process would be very damaging. For example, in 2008, according to the New York Times, a European website with no links to the USA was destroyed by actions of the United States authorities. This is a very good illustration of the kind of arbitrary “cyber-war” that this amendment seeks to avoid.</p> <p>See: http://www.nytimes.com/2008/03/04/us/04bar.html?_r=2&scp=1&sq=enom&st=nyt</p>
<u>AM21</u> <u>4</u>	The potential for damage of fundamental rights by interlinked databases is huge. It is therefore hugely important to ensure that every possible safeguard is put in place.



<u>AM21</u> <u>5</u>	“Privacy by design” must be stressed as the approach towards any data processing system.
<u>AM23</u> <u>2</u>	The role of fundamental rights should be stressed in the Stockholm programme
<u>AM24</u> <u>0</u>	Extensive analysis of existing legislation is of major importance before any new policies in this policy area is considered.
<u>AM24</u> <u>1</u>	International standards for data protection should be encouraged, although it may have been useful to include a reference to <i>implementation</i> of those standards.
<u>AM25</u> <u>5</u>	The problem of access to data stored by private companies must be addressed effectively on an international level.
<u>AM25</u> <u>7</u>	Assessment of the privacy impact of new technologies should be an ongoing activity in order to ensure that privacy legislation is implemented as effectively as possible across the EU – ideally providing an approach that would serve as a global standard.
<u>AM26</u> <u>0</u>	This amendment states some key principles with regard to profiling, privacy and the presumption of innocence.
<u>AM39</u> <u>4</u>	This amendment restates the principles adopted twice by very large majorities in the European Parliament within the context of the Telecoms Package.
<u>AM44</u> <u>8</u>	<u>Research</u> by Cambridge University shows that illegal financial fraud websites are removed from the Internet sometimes hundreds of times faster than child abuse websites. Rather than imposing demonstrably useless technologies to attempt to block such sites, international cooperation is urgently needed and grossly overdue to ensure that child abuse websites are removed definitively from the Internet.
<u>AM48</u> <u>4</u>	This amendment is in favour of strong protection for privacy and data protection in this policy area and therefore should be supported.
<u>AM48</u> <u>8</u>	This amendment reflects a desire for the European Parliament to improve its institutional standing by demanding adequate standards from the European Commission. While the amendment is probably over-optimistic in implying that inadequate impact assessments are only “in the past”, the approach taken by this amendment is very positive and should be supported.



Amendment 30 ([back](#))

Franziska Keller, Judith Sargentini, H el ene Flautre, Jean Lambert, Ra l Romeva i Rueda, Tatjana  Zdanoka, Heidi Hautala, Jan Philipp Albrecht, Gerald H afner, Christian Engstr om

Draft motion for a resolution

Recital F

Draft motion for a resolution

F. whereas in the field of civil justice the priorities for the next five years must reflect the needs expressed by individual citizens and business,

Amendment

F. whereas in the field of civil justice the priorities for the next five years must reflect the needs expressed by individual citizens, *civil society* and business,

Or. en

Amendment 96 ([back](#))

Franziska Keller, Judith Sargentini, H el ene Flautre, Jean Lambert, Ra l Romeva i Rueda, Tatjana  Zdanoka, Heidi Hautala, Jan Philipp Albrecht, Gerald H afner, Christian Engstr om

Draft motion for a resolution

Paragraph 9

Draft motion for a resolution

9. Calls for a periodic assessment of the results achieved within the multiannual programme to be the subject of an annual debate in the European Parliament, which should focus on the protection of fundamental rights in the EU and which should be based on reports from the Council, the Commission and the European Union Agency for Fundamental Rights (FRA);

Amendment

9. Calls for a periodic assessment of the results achieved within the multiannual programme to be the subject of an annual debate in the European Parliament, which should focus on the protection of fundamental rights in the EU and which should be based on reports from the Council, the Commission, *the European Data Protection Supervisor* and the European Union Agency for Fundamental Rights (FRA), *as well as assessments and studies by independent experts, input from civil society organisations and*



Parliament's resolutions;

Or. en

Amendment 99 ([back](#))

Franziska Keller, Judith Sargentini, H el ene Flautre, Jean Lambert, Ra il Romeva i Rueda, Tatjana  Zdanoka, Heidi Hautala, Jan Philipp Albrecht, Gerald H afner, Christian Engstr om

Draft motion for a resolution

Paragraph 9 a (new)

Draft motion for a resolution

Amendment

9a. Calls for any new security measures that could restrict such fundamental rights as the right to informational privacy, the right to freedom of information and the right to freedom of movement to be suspended until such time as an evaluation and assessment of measures of the kind established under the Tampere and Hague Programmes has been carried out;

Or. en

Amendment 101 ([back](#))

Franziska Keller, Judith Sargentini, H el ene Flautre, Jean Lambert, Ra il Romeva i Rueda, Tatjana  Zdanoka, Heidi Hautala, Jan Philipp Albrecht, Gerald H afner, Christian Engstr om

Draft motion for a resolution

Paragraph 9 b (new)

Draft motion for a resolution

Amendment

9b. Calls for the review of security measures that are disproportionate and



limit fundamental rights, such as telecommunications data retention, the retention and transfer of passenger name records, the collection of biometric data, and related measures;

Or. en

Amendment 102 ([back](#))

Eva-Britt Svensson on behalf of the Committee on Women's Rights and Gender Equality

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

Draft motion for a resolution

Amendment

9b. Considers that the implementation of the Stockholm programme would benefit from increased and regular consultation with civil society organisations;

Or. en

Amendment 139 ([back](#))

Diana Wallis on behalf of the Petitions Committee

**Draft motion for a resolution
Paragraph 11 b (new)**

Draft motion for a resolution

Amendment

11b. Stresses the need to mainstream protection of personal data and privacy in light of developing technologies and the creation of large-scale information systems;

Or. en



Amendment 155 ([back](#))

Franziska Keller, Judith Sargentini, H el ene Flautre, Jean Lambert, Ra l Romeva i Rueda, Tatjana  Zdanoka, Heidi Hautala, Jan Philipp Albrecht, Gerald H afner, Christian Engstr om

Draft motion for a resolution

Paragraph 14

Draft motion for a resolution

14. Calls for an impact assessment in respect of fundamental rights for every new policy, legislative proposal and programme, which assessment should clearly state what fundamental rights may be affected and what measures are envisaged to safeguard them in accordance with principles of proportionality and necessity;

Amendment

14. Calls for an impact assessment in respect of fundamental rights for every new policy, legislative proposal and programme, which assessment should clearly state what fundamental rights may be affected and what measures are envisaged to safeguard them in accordance with principles of proportionality and necessity; *considers that such impact assessments must include a full analysis of the costs and benefits of any aspect of the proposals which has already been fully or partly implemented in Member States; further considers that, in cases where factors on which the proportionality assessment is based are likely to change significantly over time, an appropriate review mechanism should be included in the proposal;*

Or. en

Amendment 159 ([back](#))

Franziska Keller, Judith Sargentini, H el ene Flautre, Jean Lambert, Ra l Romeva i Rueda, Tatjana  Zdanoka, Heidi Hautala, Jan Philipp Albrecht, Gerald H afner, Christian Engstr om

Draft motion for a resolution

Paragraph 14 a (new)



Draft motion for a resolution

Amendment

14a. Believes that self- and co-regulatory action should not be used as a way of introducing measures which restrict fundamental rights without undergoing the same impact assessment procedures as are required in respect of legislative measures;

Or. en

Amendment 162 ([back](#))

Franziska Keller, Judith Sargentini, H el ene Flautre, Jean Lambert, Ra l Romeva i Rueda, Tatjana  danoka, Heidi Hautala, Jan Philipp Albrecht, Gerald H afner, Christian Engstr m

Draft motion for a resolution

Paragraph 14 b (new)

Draft motion for a resolution

Amendment

14b. Believes that extra-territorial actions in the online world would be counterproductive and would result in serious fragmentation of the global internet, with repercussions for the rights of citizens in Europe and globally;

Or. en

Amendment 214 ([back](#))

Franziska Keller, Judith Sargentini, H el ene Flautre, Jean Lambert, Ra l Romeva i Rueda, Tatjana  danoka, Heidi Hautala, Jan Philipp Albrecht, Gerald H afner, Christian Engstr m

Draft motion for a resolution

Paragraph 19 a (new)



Draft motion for a resolution

Amendment

19a. Urges the Commission and the Member States to strive for respect of the privacy of everyone; to this end, considers that collection of data, especially via electronic databases, should strictly abide by European standards on data protection, that national standards on data protection should be strengthened and that the role of the European Data Protection Supervisor should be enhanced;

Or. en

Amendment 215 ([back](#))

Jeanine Hennis-Plasschaert

Draft motion for a resolution

Paragraph 19 a (new)

Draft motion for a resolution

Amendment

19a. Considers that a ‘privacy by design’ approach must be an essential feature of any development which risks jeopardising the security of personal information relating to individuals and the public’s trust and confidence in those who hold information about them;

Or. en

Amendment 232 ([back](#))

Carlos Coelho

Draft motion for a resolution

Paragraph 21 a (new)



Draft motion for a resolution

Amendment

21a. Presses for the guarantee that the fundamental rights dimension of data protection and the right to privacy will be respected in all the Union's policies;

Or. en

Amendment 240 ([back](#))
Sophia in 't Veld

Draft motion for a resolution
Paragraph 22

Draft motion for a resolution

Amendment

22. Believes that, when EU action is envisaged in this field, criteria should be laid down for assessing the proportionality and necessity of limitations to fundamental rights;

22. Believes that, when EU action is envisaged in this field, ***and in particular counter-terrorism measures, action should be in line with all relevant international conventions and case-law, and that*** criteria should be laid down for assessing the proportionality and necessity of limitations to fundamental rights, ***including an in-depth analysis of all existing legislation to avoid over-legislation, and provision to Parliament of a detailed explanation of the need for the proposed legislation;***

Or. en

Amendment 241 ([back](#))
Sophia in 't Veld

Draft motion for a resolution
Paragraph 22 a (new)



Draft motion for a resolution

Amendment

22a. Welcomes the proposal for international standards in data protection; emphasises that data protection agreements with third countries should be conducted in full transparency, with democratic scrutiny of Parliament and that European level data protection standards in the third State are a minimum prerequisite for data exchange to take place;

Or. en

Amendment 255 ([back](#))

Sophia in 't Veld

Draft motion for a resolution

Paragraph 22 c (new)

Draft motion for a resolution

Amendment

22c. Notes the growing importance of the Internet and that the global and open nature of the Internet requires global standards for data protection, security and freedom of speech; calls on the Council and the Commission to take the initiative in establishing a global platform for the elaboration of such standards; considers it extremely important strictly to limit, define and regulate the cases in which a private Internet company may be required to disclose data to government authorities, and to ensure that the use of those data by government authorities is subject to the strictest data protection standards;



Or. en

Amendment 257 ([back](#))
Sophia in 't Veld

Draft motion for a resolution
Paragraph 22 d (new)

Draft motion for a resolution

Amendment

22d. Recognises the potential uses of new technologies in the security field; insists however, on a thorough assessment of the privacy impact of new technologies developed with the financial support of the EU;

Or. en

Amendment 260 ([back](#))
Sophia in 't Veld

Draft motion for a resolution
Paragraph 22 f (new)

Draft motion for a resolution

Amendment

22f. Expresses its concern about the increase in the practice of profiling, based on the use of data-mining techniques and generalised collection of data of innocent citizens, for preventive and policing aims; recalls the importance of the fact that law enforcement actions shall be based on respect for human rights, from the principle of the presumption of innocence to the right to privacy and data protection;

Or. en



Amendment 394 ([back](#))

Lena Ek

Draft motion for a resolution

Paragraph 31 a (new)

Draft motion for a resolution

Amendment

31a. Considers that the right to seek access to the Internet is of fundamental importance to the enjoyment of human rights in a modern democratic society, in particular the right of freedom of expression and the right to seek and share information; calls for the adoption of legislation at EU European level to ensure that these rights are not infringed without a prior ruling from an independent and impartial tribunal in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms and with the general principles of Community law;

Or. en

Amendment 448 ([back](#))

Roberta Angelilli, Salvatore Iacolino, Raffaele Baldassarre

Draft motion for a resolution

Paragraph 35 a (new)

Draft motion for a resolution

Amendment

35a. Calls for clarification of the rules on jurisdiction and the legal framework applicable to cyberspace in order to promote cross-border investigations and cooperation agreements between law



enforcement authorities and operators, in particular for combating child pornography on the internet;

Or. en

Amendment 484 ([back](#))

Franziska Keller, Judith Sargentini, H el ene Flautre, Jean Lambert, Ra l Romeva i Rueda, Tatjana  danoka, Heidi Hautala, Jan Philipp Albrecht, Gerald H afner, Christian Engstr m

**Draft motion for a resolution
Paragraph 39 a (new)**

Draft motion for a resolution

Amendment

39a. Urges a complete rethinking of the privacy and data protection regulations in the AFSJ, which should significantly strengthen the privacy principles, repeal broad exception clauses and prohibit the blanket usage of data held by private entities for law enforcement and security purposes, unless approved by a judicial authority in individual cases.

Or. en

Amendment 488 ([back](#))

Luigi Berlinguer, Diana Wallis, Tadeusz Zwiefka, Klaus-Heiner Lehne, Bernhard Rapkay

**Draft motion for a resolution
Paragraph 39 d (new)**

Draft motion for a resolution

Amendment

Better legislation issues



39d. Stresses the need for the European legislation in the area of judicial cooperation in civil matters to be of the highest possible quality and based on properly conducted impact assessments, in order to provide citizens and business with effective instruments for resolving their various legal problems in the internal market; deplores that in the past proper impact assessments were not conducted in this area; notes a recent improvement and undertakes to subject one Commission impact assessment to critical analysis in the coming period;

Or. en