



11/12/2019

AMENDMENTS: 4

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European Production and Preservation Orders for electronic evidence in criminal matters
online

Draft proposal for a regulation COM(2018)0225 – C8-0155/2018 – 2018/0108(COD)

Amendments created with

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Amendments per language:

EN: 4

Amendment 1

Axel Voss

Proposal for a regulation

Article 2 – paragraph 1 – point 3 – introductory part

Text proposed by the Commission

(3) ‘service provider’ means any natural or legal person that provides one or more of the following categories of services:

Amendment

(3) ‘service provider’ means any natural or legal person - ***in particular, data controller within the meaning of Regulation (EU) 2016/679*** - that provides one or more of the following categories of services:

Or. en

Justification

Reducing the scope to data controller only - as it was proposed in AM 87 by the rapporteur - would exclude many other types of service provider. Yet some of those might offer services that fall under this regulation, which is why the European Parliament should keep the broad definition proposed by the European Commission.

Amendment 2

Axel Voss

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) a judge, a court, an investigating judge or prosecutor competent in the case concerned; or

Amendment

(a) a judge, a court, an investigating judge or prosecutor ***as defined in national law and*** competent in the case concerned; or

Or. en

Justification

The rapporteur's proposal in AM 105 to only allow "independent prosecutors" to issue a European Production Order would collide with the current legal practice in several Member States. German prosecutors could, for example, no longer file an order due to their systemic position in the national legal system.

Amendment 3

Axel Voss

Proposal for a regulation

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. If the executing authority has not invoked any of the grounds listed in Article 10a within the 10 days period, the service provider to which the order is addressed shall ensure that the requested data is immediately transmitted directly to the issuing authority or the law enforcement authorities as indicated in the EPOC. To guarantee an immediate transmission, the service provider shall secure the requested data and prepare the necessary arrangements directly after receiving the order.

Or. en

Justification

The last sentence is a necessary addition to the rapporteur's proposal in AM 143 as it is currently too vague. Service provider could interpret "immediately" as an obligation to start with the data collection right after 10 days have passed. As the collection of this data could again take several workdays, the whole transmission would be further delayed. Immediately should therefore mean that the already prepared data has to be send directly to the issuing authority after the 10 days are over.

Amendment 4

Axel Voss

Proposal for a regulation

Article 25 – paragraph 2

Text proposed by the Commission

It shall apply from [6 months after its entry into force].

Amendment

It shall apply from [7 months after its entry into force].

Or. en

Justification

The implementation of this regulation should not be delayed for 3 years as proposed by the rapporteur in AM 199, especially with regards to the ongoing EU-US negotiations.

+58 additional AMs tabled together with MEP Melo et al. | Download via:

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