



*Committee on the Internal Market and Consumer Protection
Committee on Civil Liberties, Justice and Home Affairs*

2021/0106(COD)

13.6.2022

AMENDMENTS 2356 - 2726

Draft report

Brando Benifei, Dragoș Tudorache
(PE731.563v01-00)

Harmonised rules on Artificial Intelligence (Artificial Intelligence Act) and
amending certain Union Legislative Acts

Proposal for a regulation
(COM(2021)0206 – C9-0146/2021 – 2021/0106(COD))

Amendment 2356

Sergey Lagodinsky, Kim Van Sparrentak, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 54 – paragraph 1 – point c

Text proposed by the Commission

(c) there are effective monitoring mechanisms to identify if any **high** risks to the fundamental rights of the data subjects may arise during the sandbox experimentation as well as response mechanism to promptly mitigate those risks and, where necessary, stop the processing;

Amendment

(c) there are effective monitoring mechanisms to identify if any risks to the fundamental rights of the data subjects **and holders of intellectual property rights or trade secrets** may arise during the sandbox experimentation as well as response mechanism to promptly mitigate those risks and, where necessary, stop the processing;

Or. en

Amendment 2357

Sergey Lagodinsky, Kim Van Sparrentak, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 54 – paragraph 1 – point d

Text proposed by the Commission

(d) any personal data to be processed in the context of the sandbox are in a functionally separate, isolated and protected data processing environment under the control of the participants and only authorised persons have access to **that** data;

Amendment

(d) any personal data **or data protected by intellectual property rights or trade secrets** to be processed in the context of the sandbox are in a functionally separate, isolated and protected data processing environment under the control of the participants and only authorised persons have access to **those** data;

Or. en

Amendment 2358

Axel Voss, Deirdre Clune

Proposal for a regulation

Article 54 – paragraph 1 – point e

Text proposed by the Commission

(e) any personal data processed are not be transmitted, transferred or otherwise accessed by other parties;

Amendment

(e) any personal data processed are not be transmitted, transferred or otherwise accessed by other parties ***that are not participants in the sandbox nor transferred to a third country outside the Union or an international organisation;***

Or. en

Amendment 2359

Sergey Lagodinsky, Kim Van Sparrentak, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 54 – paragraph 1 – point e

Text proposed by the Commission

(e) any personal data processed are not be transmitted, transferred or otherwise accessed by other parties;

Amendment

(e) any personal data ***or data protected by intellectual property rights or trade secrets*** processed are not be transmitted, transferred or otherwise accessed by other parties;

Or. en

Amendment 2360

Axel Voss, Deirdre Clune

Proposal for a regulation

Article 54 – paragraph 1 – point f

Text proposed by the Commission

(f) any processing of personal data in the context of the sandbox ***do not lead to measures or decisions affecting*** the data subjects;

Amendment

(f) any processing of personal data in the context of the sandbox ***shall not affect the application of the rights of*** the data subjects ***as provided for under Union law on the protection of personal data, in particular in Article 22 of Regulation (EU) 2016/679 and Article 24 of Regulation (EU) 2018/1725;***

Amendment 2361

Axel Voss, Deirdre Clune

Proposal for a regulation

Article 54 – paragraph 1 – point g

Text proposed by the Commission

(g) any personal data processed in the context of the sandbox are deleted once the participation in the sandbox has terminated or the personal data has reached the end of its retention period;

Amendment

(g) any personal data processed in the context of the sandbox are ***protected by means of appropriate technical and organisational measures and*** deleted once the participation in the sandbox has terminated or the personal data has reached the end of its retention period;

Or. en

Amendment 2362

Sergey Lagodinsky, Kim Van Sparrentak, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 54 – paragraph 1 – point g

Text proposed by the Commission

(g) any personal data processed in the context of the sandbox are deleted once the participation in the sandbox has terminated or the personal data has reached the end of its retention period;

Amendment

(g) any personal data ***or data protected by intellectual property rights or trade secrets*** processed in the context of the sandbox are deleted once the participation in the sandbox has terminated or the personal data has reached the end of its retention period;

Or. en

Amendment 2363

Axel Voss, Deirdre Clune

Proposal for a regulation

Article 54 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) the logs of the processing of personal data in the context of the sandbox are kept for the duration of the participation in the sandbox ***and 1 year after its termination, solely for the purpose of and only as long as necessary for fulfilling accountability and documentation obligations under this Article or other application Union or Member States legislation;***

(h) the logs of the processing of personal data in the context of the sandbox are kept for the duration of the participation in the sandbox;

Or. en

Amendment 2364

Sergey Lagodinsky, Kim Van Sparrentak, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 54 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) the logs of the processing of personal data in the context of the sandbox are kept for the duration of the participation in the sandbox and 1 year after its termination, solely for the purpose of and only as long as necessary for fulfilling accountability and documentation obligations under this Article or other ***application*** Union or Member States legislation;

(h) the logs of the processing of personal data ***or data protected by intellectual property rights or trade secrets*** in the context of the sandbox are kept for the duration of the participation in the sandbox and 1 year after its termination, solely for the purpose of and only as long as necessary for fulfilling accountability and documentation obligations under this Article or other ***applicable*** Union or Member States legislation;

Or. en

Amendment 2365

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Svenja Hahn, Alin Mituţa

Proposal for a regulation

Article 54 – paragraph 1 – point j

Text proposed by the Commission

(j) a short summary of the AI project developed in the sandbox, its objectives and expected results published on the website of the competent authorities.

Amendment

(j) a short summary of the AI project developed in the sandbox, its objectives, ***hypotheses*** and expected results, ***and non-confidential testing results, is*** published on the website of the competent authorities.

Or. en

Amendment 2366

Sergey Lagodinsky, Kim Van Sparrentak, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 54 – paragraph 1 – point j

Text proposed by the Commission

(j) a short summary of the AI ***project*** developed in the sandbox, its objectives and expected results published on the website of the competent authorities.

Amendment

(j) a short summary of the AI ***system*** developed in the sandbox, its objectives and expected results published on the website of the competent authorities.

Or. en

Amendment 2367

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 54 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Provided that the conditions of paragraph 1 are met, personal data processed for developing and testing innovative AI systems in the sandbox shall be considered compatible for the purposes of Article 6(4) GDPR.

Or. en

Amendment 2368

Sergey Lagodinsky, Kim Van Sparrentak, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 54 – paragraph 2

Text proposed by the Commission

2. Paragraph 1 is without prejudice to Union or Member States legislation excluding processing for other purposes than those explicitly mentioned in that legislation.

Amendment

2. Paragraph 1 ***further specifies Article 89 of Regulation (EU) 2016/679 and*** is without prejudice to Union or Member States legislation excluding processing for other purposes than those explicitly mentioned in that legislation ***or to Union or Member States legislation excluding the use of data protected by intellectual property or trade secrets under the conditions covered by Paragraph 1.***

Or. en

Amendment 2369

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation
Article 54 a (new)

Text proposed by the Commission

Amendment

Article 54 a

Promotion of AI research and development in support of socially and environmentally beneficial outcomes

1. Member States shall promote research and development of AI solutions which support socially and environmentally beneficial outcomes, including but not limited to development of AI-based solutions to increase accessibility for persons with disabilities, tackle socio-economic inequalities, and meet sustainability and environmental targets, by:

(a) providing relevant projects with priority access to the AI regulatory sandboxes to the extent that they fulfil the eligibility conditions;

(b) earmarking public funding, including from relevant EU funds, for AI research and development in support of socially and environmentally beneficial outcomes;

(c) organising specific awareness raising activities about the application of this Regulation, the availability of and application procedures for dedicated funding, tailored to the needs of those projects;

(d) where appropriate, establishing accessible dedicated channels, including within the sandboxes, for communication with projects to provide guidance and respond to queries about the implementation of this Regulation.

2. Without prejudice to Article 55 a (new)1(a), Member States shall ensure that relevant projects are led by civil society and social stakeholders that set the project priorities, goals, and outcomes.

Or. en

Amendment 2370

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 55 – title

Text proposed by the Commission

Measures for *small-scale* providers and users

Amendment

Measures for providers and users *that are SME's or start-ups*

Or. en

Amendment 2371

Sergey Lagodinsky, Kim Van Sparrentak, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 55 – title

Text proposed by the Commission

Measures for small-scale providers and **users**

Amendment

Measures for small-scale providers and **deployers**

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

Amendment 2372

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation
Article 55 – title

Text proposed by the Commission

Measures for **small-scale providers** and users

Amendment

Measures for **SMEs, start-ups** and users

Or. en

Amendment 2373

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation
Article 55 – paragraph 1 – introductory part

Text proposed by the Commission

1. **Member States** shall undertake the following actions:

Amendment

1. **The national supervisory authority** shall undertake the following actions:

Or. en

Justification

Amendment necessary to ensure consistency with new articles on national supervisory authorities.

Amendment 2374

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 55 – paragraph 1 – point a

Text proposed by the Commission

(a) provide ***small-scale providers*** and start-ups with priority access to ***the*** AI regulatory sandboxes to the extent that ***they*** fulfil the eligibility conditions;

Amendment

(a) provide ***SMEs*** and start-ups with priority access to ***and make*** AI regulatory sandboxes ***reusable as well as affordable*** to the extent that ***SMEs and start-ups*** fulfil the eligibility conditions;

Or. en

Amendment 2375

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Catharina Rinzema, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 55 – paragraph 1 – point a

Text proposed by the Commission

(a) provide ***small-scale providers*** and start-ups with priority access to the AI regulatory sandboxes to the extent that they fulfil the eligibility conditions;

Amendment

(a) provide ***SMEs*** and start-ups with priority access to the AI regulatory sandboxes to the extent that they fulfil the eligibility conditions;

Or. en

Amendment 2376

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 55 – paragraph 1 – point b

Text proposed by the Commission

(b) organise specific awareness raising activities about the application of this Regulation tailored to the needs of ***the***

Amendment

(b) organise specific awareness raising ***and training*** activities about the application of this Regulation tailored to

small-scale providers and users;

the needs of *SME's and start-ups*;

Or. en

Amendment 2377

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Catharina Rinzema, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 55 – paragraph 1 – point b

Text proposed by the Commission

(b) organise specific awareness raising activities about the application of this Regulation tailored to the needs of *the small-scale providers* and users;

Amendment

(b) organise specific awareness raising activities about the application of this Regulation tailored to the needs of *SMEs, start-ups* and users;

Or. en

Amendment 2378

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 55 – paragraph 1 – point c

Text proposed by the Commission

(c) where appropriate, establish a dedicated channel for communication with *small-scale providers* and user and other innovators to provide guidance and respond to queries about the implementation of this Regulation.

Amendment

(c) where appropriate, establish a dedicated channel for communication with *SME's and start-ups* and user and other innovators to provide guidance and respond to queries about the implementation of this Regulation;

Or. en

Amendment 2379

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Catharina Rinzema, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 55 – paragraph 1 – point c

Text proposed by the Commission

(c) where appropriate, establish a dedicated channel for communication with ***small-scale providers and user*** and other innovators to provide guidance and respond to queries about the implementation of this Regulation.

Amendment

(c) where appropriate, establish a dedicated channel for communication with ***SMEs, start-ups, users*** and other innovators to provide guidance and respond to queries about the implementation of this Regulation.

Or. en

Amendment 2380

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 55 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) consult representative organisations of SMEs and start ups and involve them in the development of relevant standards;

Or. en

Amendment 2381

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Catharina Rinzema, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 55 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) support SME's increased participation in the standardisation development process;

Or. en

Amendment 2382
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 55 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(c b) create development paths and services for SMEs and start ups, ensuring that government support is provided at all stages of their development, in particular by promoting digital tools and developing AI transition plans;

Or. en

Amendment 2383
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 55 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(c c) promote industry best practices and responsible approaches to AI development and use self-regulatory commitments as a criterion for public procurement projects or as a factor that allows more opportunities to use and share data responsibly;

Or. en

Amendment 2384
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 55 – paragraph 1 – point c d (new)

Text proposed by the Commission

Amendment

(c d) offer tax breaks for doing research, better access to computer capacities and datasets, an EU-Visa

schema for tech-talents, temporary support in technology scouting or in paying salaries of AI specialists, and state aid exemptions in the area of AI education, training and reskilling of employees;

Or. en

Amendment 2385

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 55 – paragraph 1 – point c e (new)

Text proposed by the Commission

Amendment

(c e) reduce extensive reporting, information or documentation obligations, establish a single EU online portal in different languages concerning all necessary procedures and formalities to operate in another EU country, a single point of contact in the home country that can certify the company's eligibility to provide services in another EU country as well as a standardized EU-wide VAT declaration in the respective native language.

Or. en

Amendment 2386

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 55 – paragraph 2

Text proposed by the Commission

Amendment

2. The specific interests and needs of the *small-scale providers* shall be taken into account when setting the fees for conformity assessment under Article 43, reducing those fees proportionately to their size and market size.

2. The specific interests and needs of the *SME's and start-ups* shall be taken into account when setting the fees for conformity assessment under Article 43, reducing those fees proportionately to their size and market size, *by granting subsidies*

or even exempting SMEs and start ups from paying.

Or. en

Amendment 2387

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Catharina Rinzema, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

**Proposal for a regulation
Article 55 – paragraph 2**

Text proposed by the Commission

2. The specific interests and needs of the ***small-scale providers*** shall be taken into account when setting the fees for conformity assessment under Article 43, reducing those fees proportionately to their size and market size.

Amendment

2. The specific interests and needs of the ***SMEs and start-ups*** shall be taken into account when setting the fees for conformity assessment under Article 43, reducing those fees proportionately to their size and market size.

Or. en

Amendment 2388

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

**Proposal for a regulation
Article 55 a (new)**

Text proposed by the Commission

Amendment

Article 55 a

Promoting research and development of AI in support of socially and environmentally beneficial outcomes led by civil society

1. Member States shall promote research and development of AI solutions which support socially and environmentally beneficial outcomes, including but not limited to development of AI-based solutions to increase accessibility for persons with disabilities, tackle socio-economic inequalities, and meet

sustainability and environmental targets, by:

(a) providing relevant projects with priority access to the AI regulatory sandboxes to the extent that they fulfil the eligibility conditions;

(b) earmarking public funding, including from relevant EU funds, for AI research and development in support of socially and environmentally beneficial outcomes;

(c) organising specific awareness raising activities about the application of this Regulation, the availability of and application procedures for dedicated funding, tailored to the needs of those projects;

(d) where appropriate, establishing accessible dedicated channels for communication with projects to provide guidance and respond to queries about the implementation of this Regulation.

2. Member States shall ensure that when conformity assessment is required under Article 43, cost of such assessment is covered by public, including EU, funds available for AI research and development.

3. Without prejudice to Article 55 a (new)1(a), Member States shall ensure that relevant projects are led by civil society and social stakeholders that set the project priorities, goals, and outcomes.

Or. en

Amendment 2389

Svenja Hahn, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Catharina Rinzema, Moritz Körner, Jan-Christoph Oetjen

**Proposal for a regulation
Article 55 a (new)**

Text proposed by the Commission

Amendment

Article 55 a

***Promoting research and development of
AI in support of socially and
environmentally beneficial outcomes***

Member States shall promote research and development of AI solutions which support socially and environmentally beneficial outcomes, including but not limited to development of AI-based solutions to increase accessibility for persons with disabilities, tackle socio-economic inequalities, and meet sustainability and environmental targets, by:

(a) providing relevant projects with priority access to the AI regulatory sandboxes to the extent that they fulfil the eligibility conditions;

(b) earmarking public funding, including from relevant EU funds, for AI research and development in support of socially and environmentally beneficial outcomes;

(c) organising specific awareness raising activities about the application of this Regulation, the availability of and application procedures for dedicated funding, tailored to the needs of those projects;

(d) where appropriate, establishing accessible dedicated channels for communication with projects to provide guidance and respond to queries about the implementation of this Regulation.

Or. en

Amendment 2390

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 55 b (new)

Text proposed by the Commission

Amendment

Article 55 b

Right not to be subject to non-compliant

AI systems

Natural persons shall have the right not to be subject to AI systems that:

(a) pose an unacceptable risk pursuant to Article 5, or

(b) otherwise do not comply with the requirements of this Regulation.

Or. en

Amendment 2391

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 55 c (new)

Text proposed by the Commission

Amendment

Article 55 c

Right to information about the use and functioning of AI systems

1. Natural persons shall have the right to be informed that they have been exposed to high-risk AI systems as defined in Article 6, and other AI systems as defined in Article 52.

2. Natural persons shall have the right to be provided upon request, with an explanation for decisions producing legal effects or otherwise affecting them or outcomes related to them taken by or with the assistance of systems within the scope of this Regulation, pursuant to Article 52 paragraph (3b).

3. The information outlined in paragraphs 1 and 2 shall be provided in a clear, easily understandable and intelligible way, in a manner that is accessible for persons with disabilities.

Or. en

Amendment 2392

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituța

**Proposal for a regulation
Title VI – Chapter 1 – title**

Text proposed by the Commission

Amendment

**1 European Artificial Intelligence
Board**

**1 European Artificial Intelligence
Office**

Or. en

Justification

This change shall be consistently reflected throughout the entire Regulation

**Amendment 2393
Jorge Buxadé Villalba**

**Proposal for a regulation
Article 56**

Text proposed by the Commission

Amendment

Article 56

deleted

***Establishment of the European Artificial
Intelligence Board***

***1. A ‘European Artificial Intelligence
Board’ (the ‘Board’) is established.***

***2. The Board shall provide advice and
assistance to the Commission in order to:***

***(a) contribute to the effective cooperation
of the national supervisory authorities
and the Commission with regard to
matters covered by this Regulation;***

***(b) coordinate and contribute to guidance
and analysis by the Commission and the
national supervisory authorities and other
competent authorities on emerging issues
across the internal market with regard to
matters covered by this Regulation;***

***(c) assist the national supervisory
authorities and the Commission in
ensuring the consistent application of this***

Regulation.

Or. es

Amendment 2394

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituța

Proposal for a regulation

Article 56 – title

Text proposed by the Commission

Amendment

Establishment of the European Artificial
Intelligence **Board**

Establishment of the European Artificial
Intelligence **Office**

Or. en

Amendment 2395

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 56 – title

Text proposed by the Commission

Amendment

Establishment of the European Artificial
Intelligence Board

European Artificial Intelligence Board

Or. en

Amendment 2396

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 56 – title

Text proposed by the Commission

Amendment

Establishment of the European Artificial
Intelligence Board

European Artificial Intelligence Board

Or. en

Amendment 2397

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituţa

**Proposal for a regulation
Article 56 – paragraph 1**

Text proposed by the Commission

Amendment

- | | |
|--|----------------|
| 1. A ‘European Artificial Intelligence Board’ (the ‘Board’) is established. | deleted |
|--|----------------|

Or. en

Amendment 2398

Axel Voss, Deirdre Clune, Eva Maydell

**Proposal for a regulation
Article 56 – paragraph 1**

Text proposed by the Commission

Amendment

- | | |
|--|--|
| 1. A ‘European Artificial Intelligence Board’ (the ‘Board’) is established. | 1. A ‘European Artificial Intelligence Board’ (the ‘Board’) is established <i>as an independent body with its own legal personality. The Board shall have a Secretariat, a strong mandate as well as sufficient resources and skilled personnel at its disposal for the assistance in the performance of its tasks laid down in Article 58.</i> |
|--|--|

Or. en

Amendment 2399

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

**Proposal for a regulation
Article 56 – paragraph 1**

Text proposed by the Commission

Amendment

- | | |
|---|--|
| 1. A ‘European Artificial Intelligence | 1. <i>An independent</i> ‘European Artificial Intelligence Board’ (the ‘Board’) |
|---|--|

Board' (the 'Board') is established.

is *hereby* established *as a body of the Union and shall have legal personality*.

Or. en

Amendment 2400

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Karen Melchior, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 56 – paragraph 1

Text proposed by the Commission

1. A 'European Artificial Intelligence Board' (the 'Board') is established.

Amendment

1. A 'European Artificial Intelligence Board' (the 'Board') is established *as a body of the Union and shall have legal personality*.

Or. en

Amendment 2401

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 56 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The Board shall monitor and ensure the effective and consistent application, and contribute to the effective and consistent enforcement, of this Regulation throughout the Union, including with regard to cases involving two or more Member States as set out in Article 59b.

Or. en

Amendment 2402

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 56 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The Board shall be independent in the fulfilment of its task. It shall have legal personality.

Or. en

Amendment 2403

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 56 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. The Board shall ensure the consistent application of this Regulation.

Or. en

Amendment 2404

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituța

Proposal for a regulation
Article 56 – paragraph 2

Text proposed by the Commission

Amendment

2. The Board shall provide advice and assistance to the Commission in order to:

deleted

(a) contribute to the effective cooperation of the national supervisory authorities and the Commission with regard to matters covered by this Regulation;

(b) coordinate and contribute to guidance and analysis by the Commission and the national supervisory authorities and other competent authorities on emerging issues across the internal market with regard to

matters covered by this Regulation;

(c) assist the national supervisory authorities and the Commission in ensuring the consistent application of this Regulation.

Or. en

Amendment 2405

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Catharina Rinzema, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 56 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Board shall provide advice and assistance to the Commission in order to:

Amendment

2. The Board shall provide advice and assistance to the Commission ***and to the national supervisory authorities*** in order to:

Or. en

Amendment 2406

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 56 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Board shall provide advice and assistance to the Commission in order to:

Amendment

2. The Board shall provide advice and assistance to the Commission ***and the national authorities*** in order to:

Or. en

Amendment 2407

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 56 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) contribute to the effective cooperation of the national supervisory authorities and the Commission with regard to matters covered by this Regulation;

(a) contribute to the effective cooperation of the national supervisory authorities and the Commission with regard to matters covered by this Regulation;

Or. en

Amendment 2408

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 56 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) coordinate and **contribute to** guidance and analysis by the Commission and the national supervisory authorities and other competent authorities on emerging issues across the internal market with regard to matters covered by this Regulation;

(b) coordinate and **provide** guidance and analysis by the Commission and the national supervisory authorities and other competent authorities on emerging issues across the internal market with regard to matters covered by this Regulation;

Or. en

Amendment 2409

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 56 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) assist the national supervisory authorities and **the Commission** in ensuring the consistent application of this Regulation.

(c) assist the **Commission**, national supervisory authorities and **other competent authorities** in ensuring the consistent application of this Regulation, **in particular in line with the consistency mechanism referred to in Article 59a(3);**

Or. en

Amendment 2410

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 56 – paragraph 2 – point c

Text proposed by the Commission

(c) assist the national supervisory authorities and the Commission in ***ensuring the consistent application of this Regulation.***

Amendment

(c) ***contribute to the effective and consistent application of this Regulation*** and assist the national supervisory authorities and the Commission in ***that regard.***

Or. en

Amendment 2411

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 56 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) carry out annual reviews and analyses of the complaints sent to and findings by national competent authorities, of the serious incidents and malfunctioning reports referred to in Article 62, and of the new registration in the EU Database referred to in Article 60 to identify trends and potential emerging issues threatening the future health and safety and fundamental rights of citizens and not adequately addressed by this Regulation; to carry out biannual horizon scanning and foresight exercises to extrapolate the impact these trends and emerging issues can have on the Union; and to annually publish recommendations to the Commission, including but not limited to recommendations on the categorization of prohibited practices, high-risk systems, and codes of conduct for AI systems that are not classified as

high-risk.

Or. en

Amendment 2412

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 56 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) provide particular oversight, monitoring and regular dialogue with the providers of general purpose AI systems about their compliance with the Regulation. Any such meeting shall be open to national supervisory authorities, notified bodies and market surveillance authorities to attend and contribute

Or. en

Amendment 2413

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 56 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) contribute to the effective cooperation with the competent authorities of third countries and with international organisations.

Or. en

Amendment 2414

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 56 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) contribute to the effective cooperation with the competent authorities of third countries and with international organisations.

Or. en

Amendment 2415

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 56 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) propose amendments to Annexes I and III to the Commission.

Or. en

Amendment 2416

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 56 – paragraph 2 – point c b (new)

Text proposed by the Commission

Amendment

(c b) bring together national metrology and benchmarking authorities to provide guidance to address the technical aspects of how to measure appropriate levels of accuracy and robustness.

Or. en

Amendment 2417

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 56 – paragraph 2 – point c b (new)

Text proposed by the Commission

Amendment

(c b) represent and defend the interest of the broad civil society, including Social Partners.

Or. en

Amendment 2418
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 56 – paragraph 2 – point c c (new)

Text proposed by the Commission

Amendment

(c c) launch an evaluation procedure for an AI system

Or. en

Amendment 2419
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 56 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Board shall have a sufficient number of competent personnel at their disposal for assistance in the proper performance of their tasks.

Or. en

Amendment 2420
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 56 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. *The Board shall be organised and operated so as to safeguard the independence, objectivity and impartiality of their activities. The Board shall document and implement a structure and procedures to safeguard impartiality and to promote and apply the principles of impartiality throughout its activities.*

Or. en

Amendment 2421

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituța

Proposal for a regulation

Article 56 a (new)

Text proposed by the Commission

Amendment

Article 56 a

SECTION 1: General provisions

An independent ‘European Artificial Intelligence Office’ (the ‘AI Office’) is hereby established. The European Union Artificial Intelligence Office shall be an Office of the Union, shall have legal personality, and shall be adequately funded and staffed. The Office shall enjoy in all the Member States the most extensive legal capacity accorded to legal persons under their laws.

Or.

Amendment 2422

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituța

Proposal for a regulation

Article 56 b (new)

Article 56 b

Mandate

- 1. The AI Office shall carry out the tasks assigned to it under this Regulation for the purpose of achieving a high level of trustworthiness and of protection of health, safety, fundamental rights and the Union values enshrined in Article 2 TEU across the Union with regards to artificial intelligence systems, including by actively supporting Member States, Union institutions, bodies, offices and agencies in matters pertaining to this Regulation. The AI Office shall act as a reference point for advice and expertise on artificial intelligence for Union institutions, bodies, offices and agencies, for Member States and their national supervisory authorities, as well as for other relevant Union stakeholders.***
- 2. The AI Office shall contribute to reducing the fragmentation of the internal market and to increasing the uptake of artificial intelligence throughout the Union by carrying out the tasks assigned to it under this Regulation.***
- 3. When carrying out its tasks, the AI Office shall act independently while avoiding the duplication of Member State activities and taking into consideration Member State competences.***
- 4. The AI Office shall organise consultations with stakeholders twice a year to assess the evolution of trends in technology, issues related to the implementation and the effectiveness of this Regulation, regulatory gaps or loopholes observed in practice. Such stakeholders shall include representatives from industry, start-ups and SMEs, civil society organisations, such as NGOs, consumer associations, the social partners and academia.***
- 5. The AI Office may consult national authorities, such as national equality***

bodies, where the issues discussed are of relevance for them. The AI Office may also consult, where appropriate, external experts and observers and interested third parties, including stakeholders such as those referred to in paragraph 5, and may hold exchanges with them.

6. The AI Office shall cooperate with Union institutions, bodies, offices, agencies and advisory groups and shall make the results of that cooperation publicly available.

Or. en

Amendment 2423

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Karen Melchior, Alin Mituţa

**Proposal for a regulation
Article 56 c (new)**

Text proposed by the Commission

Amendment

Article 56 c

***Accountability, transparency, and
independence***

1. The AI Office shall be accountable to the European Parliament and to the Council in accordance with this Regulation.

2. The AI Office shall develop good administrative practices in order to ensure the highest possible level of transparency concerning its activities. Regulation (EC) No 1049/2001 shall apply to documents held by the AI Office.

3. The AI Office shall fulfil its tasks in complete independence.

Or. en

Amendment 2424

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituța

**Proposal for a regulation
Article 56 d (new)**

Text proposed by the Commission

Amendment

Article 56 d

Administrative and management structure

1. The administrative and management structure of the AI Office shall comprise:

(a) a management board

(b) an executive director

(c) an advisory forum

(d) where appropriate, other advisory bodies established by the management board to support the AI Office in technical or scientific matters related to this Regulation.

Or. en

Amendment 2425

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituța

**Proposal for a regulation
Article 56 e (new)**

Text proposed by the Commission

Amendment

Article 56 e

Objectives

1. The AI Office shall:

(a) contribute to the uptake of artificial intelligence in the Union, including through supporting innovation and the development of regulatory sandboxes provided for in this Regulation;

(b) contribute to a high level of trustworthiness and of protection of health, safety, fundamental rights and the Union values enshrined in Article 2 TEU

with regard to artificial intelligence systems in the Union;

(c) contribute to the effective cooperation of the national supervisory authorities and the Commission with regard to matters covered by this Regulation;

(d) provide forecasts, guidance, and analysis to the Commission, Member States, and to the national supervisory authorities and other competent authorities on emerging issues across the internal market with regard to matters covered by this Regulation and related issues;

(e) contribute to the effective and consistent application of this Regulation and assist Member States, the national supervisory authorities, and the Commission in this regard;

(f) contribute to the effective cooperation with the competent authorities of third countries and with international organisations;

(g) contribute to the development, promotion, and adoption of harmonized standards, common specifications, common benchmarking standards, and voluntary codes of conduct;

(h) contribute to the effective and consistent enforcement of this Regulation throughout the Union, including by issuing binding decisions with regard to cases involving two or more Member States asset out in Article 59b.

Or. en

Amendment 2426
Jorge Buxadé Villalba

Proposal for a regulation
Article 57

Text proposed by the Commission

Amendment

Structure of the Board

1. The Board shall be composed of the national supervisory authorities, who shall be represented by the head or equivalent high-level official of that authority, and the European Data Protection Supervisor. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

2. The Board shall adopt its rules of procedure by a simple majority of its members, following the consent of the Commission. The rules of procedure shall also contain the operational aspects related to the execution of the Board's tasks as listed in Article 58. The Board may establish sub-groups as appropriate for the purpose of examining specific questions.

3. The Board shall be chaired by the Commission. The Commission shall convene the meetings and prepare the agenda in accordance with the tasks of the Board pursuant to this Regulation and with its rules of procedure. The Commission shall provide administrative and analytical support for the activities of the Board pursuant to this Regulation.

4. The Board may invite external experts and observers to attend its meetings and may hold exchanges with interested third parties to inform its activities to an appropriate extent. To that end the Commission may facilitate exchanges between the Board and other Union bodies, offices, agencies and advisory groups.

Or. es

Amendment 2427

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituţa

Proposal for a regulation
Article 57

Text proposed by the Commission

Amendment

Article 57

deleted

Structure of the Board

1. The Board shall be composed of the national supervisory authorities, who shall be represented by the head or equivalent high-level official of that authority, and the European Data Protection Supervisor. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

2. The Board shall adopt its rules of procedure by a simple majority of its members, following the consent of the Commission. The rules of procedure shall also contain the operational aspects related to the execution of the Board's tasks as listed in Article 58. The Board may establish sub-groups as appropriate for the purpose of examining specific questions.

3. The Board shall be chaired by the Commission. The Commission shall convene the meetings and prepare the agenda in accordance with the tasks of the Board pursuant to this Regulation and with its rules of procedure. The Commission shall provide administrative and analytical support for the activities of the Board pursuant to this Regulation.

4. The Board may invite external experts and observers to attend its meetings and may hold exchanges with interested third parties to inform its activities to an appropriate extent. To that end the Commission may facilitate exchanges between the Board and other Union bodies, offices, agencies and advisory groups.

Or. en

Amendment 2428

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 57 – title

Text proposed by the Commission

Structure of the Board

Amendment

Structure **and independence** of the Board

Or. en

Amendment 2429

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 57 – paragraph 1

Text proposed by the Commission

1. The Board shall be composed of the national supervisory authorities, who shall be represented by the head or equivalent high-level official of that authority, **and the European Data Protection Supervisor**. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

Amendment

1. The Board shall be composed of the national supervisory authorities, who shall be represented by the head or equivalent high-level official of that authority. Other national authorities may **also** be invited to the meetings, where the issues discussed are of relevance for them.

The European Data Protection Supervisor, the Chairperson of the EU Agency for Fundamental Rights, the Executive director of the EU Agency for Cybersecurity, the Chair of the High Level Expert Group on AI, the Director-General of the Joint Research Centre, and the presidents of the European Committee for Standardization, the European Committee for Electrotechnical Standardization, and the European Telecommunications Standards Institute shall be invited as permanent observers with the right to speak but without voting rights.

Or. en

Amendment 2430

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 57 – paragraph 1

Text proposed by the Commission

1. The Board shall be composed of the national supervisory authorities, who shall be represented by the head ***or equivalent high-level official*** of that authority, and the European Data Protection Supervisor. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

Amendment

1. The Board shall be composed of the national supervisory authorities, who shall be represented by the head of that authority, and the European Data Protection Supervisor, ***the Chair of the European Data Protection Board, the Director of the Fundamental Rights Agency, the Executive Director of the European Union Agency for Cybersecurity or their respective representatives***. Other national authorities ***or Union agencies and bodies*** may be invited to the meetings, where the issues discussed are of relevance for them.

Or. en

Amendment 2431

Svenja Hahn, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș,
Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 57 – paragraph 1

Text proposed by the Commission

1. The Board shall be composed of the national supervisory authorities, ***who shall be represented by the head or equivalent high-level official of that authority, and*** the European Data Protection Supervisor. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

Amendment

1. The Board shall be composed of the national supervisory authorities, the European Data Protection Supervisor ***as the EU Agency for Fundamental Rights, the EU Agency for Cybersecurity, the Joint Research Centre, the European Committee for Standardization, the European Committee for Electrotechnical Standardization, and the European Telecommunications Standards Institute, each with one representative***. Other

national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

Or. en

Amendment 2432

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 57 – paragraph 1

Text proposed by the Commission

1. The Board shall be composed of the national supervisory authorities, who shall be represented by the head or equivalent high-level official of that authority, and the European Data Protection Supervisor. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

Amendment

1. The Board shall be composed of the national supervisory authorities, who shall be represented by the head or equivalent high-level official of that authority, and the European Data Protection Supervisor, ***the EU Agency for Fundamental Rights, ENISA, EIGE and social partners as well representatives of civil society***. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

Or. en

Amendment 2433

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H            , Jean-Paul Garraud

Proposal for a regulation

Article 57 – paragraph 1

Text proposed by the Commission

1. The Board shall be composed of the national supervisory authorities, who shall be represented by the head or equivalent high-level official of that authority, ***and*** the European Data Protection Supervisor. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

Amendment

1. The Board shall be composed of the national supervisory authorities, who shall be represented by the head or equivalent high-level official of that authority, the European Data Protection Supervisor ***and the national data protection bodies***. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

Amendment 2434

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 57 – paragraph 1

Text proposed by the Commission

1. The Board shall be composed of the national supervisory authorities, who shall be represented by the head or equivalent high-level official of that authority, and the European Data Protection Supervisor. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

Amendment

1. The Board shall be composed of the national supervisory authorities, who shall be represented by the head or equivalent high-level official of that authority, and the European Data Protection Supervisor, ***AI ethics experts and industry representatives***. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

Or. en

Amendment 2435

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 57 – paragraph 1

Text proposed by the Commission

1. The Board shall be composed of the national supervisory authorities, who shall be represented by the head or equivalent high-level official of that authority, ***and*** the European Data Protection Supervisor. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

Amendment

1. The Board shall be composed of the national supervisory authorities, who shall be represented by the head or equivalent high-level official of that authority, the European Data Protection Supervisor ***and the Fundamental Rights Agency***. Other national authorities ***or EU agencies*** may be invited to the meetings, where the issues discussed are of relevance for them.

Or. en

Amendment 2436

Marion Walsmann

Proposal for a regulation
Article 57 – paragraph 1

Text proposed by the Commission

1. The Board shall be composed of the national supervisory authorities, who shall be represented by the head or equivalent high-level official of that authority, and the European Data Protection Supervisor. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

Amendment

1. The Board shall be composed of the national supervisory authorities, who shall be represented by the head or equivalent high-level official of that authority, and the European Data Protection Supervisor ***and relevant stakeholders including SMEs.*** Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

Or. en

Amendment 2437

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation
Article 57 – paragraph 1

Text proposed by the Commission

1. The Board shall be composed of the national supervisory authorities, who shall be represented by the head or equivalent high-level official of that authority, ***and*** the European Data Protection Supervisor. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

Amendment

1. The Board shall be composed of the national supervisory authorities, who shall be represented by the head or equivalent high-level official of that authority, the European Data Protection Supervisor ***and the FRA.*** Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

Or. en

Amendment 2438

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 57 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The Commission shall have the right to participate in the activities and meetings of the Board without voting right. The Commission shall designate a representative. The Chair of the Board shall communicate to the Commission the activities of the Board.

Or. en

Amendment 2439

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 57 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The Board shall act independently when performing its tasks or exercising its powers.

Or. en

Amendment 2440

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 57 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The Board shall be represented by its Chair.

Or. en

Amendment 2441

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 57 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. The Board shall act independently when performing its tasks or exercising its powers pursuant to Articles 58.

Or. en

Amendment 2442

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 57 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1 c. The Board shall take decisions by a simple majority of its voting members, unless otherwise provided for in this Regulation. Each national supervisory authority and the EDPS shall have one vote.

Or. en

Amendment 2443

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 57 – paragraph 2

Text proposed by the Commission

Amendment

2. The Board shall adopt its rules of procedure by a simple majority of its members, following the consent of the Commission. The rules of procedure shall also contain the operational aspects related to the execution of the Board's tasks as listed in Article 58. The Board may establish sub-groups as appropriate for the purpose of examining specific

2. The Board shall adopt its rules of procedure by a simple *two-thirds* majority of its *voting* members and *organise its own* operational *arrangements*.

questions.

Or. en

Amendment 2444

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 57 – paragraph 2

Text proposed by the Commission

2. The Board shall adopt its rules of procedure by a simple majority of its members, ***following the consent of the Commission***. The rules of procedure shall also contain the operational aspects related to the execution of the Board's tasks as listed in Article 58. The Board may establish sub-groups as appropriate for the purpose of examining specific questions.

Amendment

2. The Board shall adopt its rules of procedure by a simple majority of its members. The rules of procedure shall also contain the operational aspects related to the execution of the Board's tasks as listed in Article 58. The Board may establish sub-groups as appropriate for the purpose of examining specific questions.

Or. en

Amendment 2445

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 57 – paragraph 2

Text proposed by the Commission

2. The Board shall adopt its rules of procedure by a simple majority of its members, ***following the consent of the Commission***. The rules of procedure shall also contain the operational aspects related to the execution of the Board's tasks as listed in Article 58. The Board may establish sub-groups as appropriate for the purpose of examining specific questions.

Amendment

2. The Board shall adopt its rules of procedure by ***two-thirds majority and shall take decisions by*** a simple majority of its members. The rules of procedure shall also contain the operational aspects related to the execution of the Board's tasks as listed in Article 58. The Board may establish sub-groups as appropriate for the purpose of examining specific questions.

Or. en

Amendment 2446

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation

Article 57 – paragraph 2

Text proposed by the Commission

2. The Board shall adopt its rules of procedure by a **simple** majority of its members, **following the consent of the Commission**. The rules of procedure shall also contain the operational aspects related to the execution of the Board's tasks as listed in Article 58. The Board may establish sub-groups as appropriate for the purpose of examining specific questions.

Amendment

2. The Board shall adopt its rules of procedure by a **two-thirds** majority of its members. The rules of procedure shall also contain the operational aspects related to the execution of the Board's tasks as listed in Article 58. The Board may establish sub-groups as appropriate for the purpose of examining specific questions.

Or. fr

Amendment 2447

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 57 – paragraph 2

Text proposed by the Commission

2. The Board shall adopt its rules of procedure by a simple majority of its members, **following the consent of the Commission**. The rules of procedure shall also contain the operational aspects related to the execution of the Board's tasks as listed in Article 58. The Board may establish sub-groups as appropriate for the purpose of examining specific questions.

Amendment

2. The Board shall adopt its rules of procedure by a simple majority of its members. The rules of procedure shall also contain the operational aspects related to the execution of the Board's tasks as listed in Article 58. The Board may establish **standing or temporary** sub-groups as appropriate for the purpose of examining specific questions.

Or. en

Amendment 2448

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 57 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Board may establish sub-groups as appropriate for the purpose of examining specific questions. The Board shall establish a permanent sub-group for the purpose of examining the question of the proper governance of general purpose AI systems. The Board shall also establish a permanent sub-group for the purpose of examining the question of the proper governance of research and development activities on the topic of AI and to inform the development of the governance framework.

Or. en

Amendment 2449

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 57 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Board may establish sub-groups as appropriate for the purpose of examining specific questions. In any case, the Board shall establish the following permanent sub-groups:

a) for the purpose of examining the question of the proper governance of AI systems with indeterminate use;

b) for the purpose of examining the question of the proper governance of research and development activities on the topic of AI.

Or. en

Amendment 2450

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López

Aguilar, Maria Grapini

Proposal for a regulation

Article 57 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. The Board shall elect a Chair and two deputy Chairs from among its voting members by simple majority. The term of office of the Chair and of the deputy Chairs shall be three years, renewable once.

Or. en

Amendment 2451

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 57 – paragraph 3

Text proposed by the Commission

Amendment

3. The Board shall be chaired by the Commission. The Commission shall convene the meetings and prepare the agenda in accordance with the tasks of the Board pursuant to this Regulation and with its rules of procedure. The Commission shall provide administrative and analytical support for the activities of the Board pursuant to this Regulation.

3. The Commission shall provide administrative and analytical support for the activities of the Board pursuant to this Regulation.

Or. en

Amendment 2452

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H            , Jean-Paul Garraud

Proposal for a regulation

Article 57 – paragraph 3

Text proposed by the Commission

Amendment

3. The Board shall be chaired by the

3. The Board shall be chaired by the

Commission. *The Commission* shall convene the meetings and prepare the agenda in accordance *with* the tasks of the Board pursuant to this Regulation and with its rules of procedure. The Commission shall provide administrative and analytical support for the activities of the Board pursuant to this Regulation.

national supervisory authority of the Member State holding the Presidency of the Council of the European Union. The latter shall convene the meetings and prepare the agenda in accordance the tasks of the Board pursuant to this Regulation and with its rules of procedure. The Commission shall provide administrative and analytical support for the activities of the Board pursuant to this Regulation.

Or. fr

Amendment 2453

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 57 – paragraph 3

Text proposed by the Commission

3. The Board shall be ***chaired*** by the Commission. The Commission shall convene the meetings and prepare the agenda in accordance with the tasks of the Board pursuant to this Regulation and with its rules of procedure. The Commission shall provide administrative and analytical support for the activities of the Board pursuant to this Regulation.

Amendment

3. The Board shall be ***co-chaired*** by the Commission ***and a representative chosen from among the delegates of the Member States***. The Commission shall convene the meetings and prepare the agenda in accordance with the tasks of the Board pursuant to this Regulation and with its rules of procedure. The Commission shall provide administrative and analytical support for the activities of the Board pursuant to this Regulation.

Or. en

Amendment 2454

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 57 – paragraph 3

Text proposed by the Commission

3. The ***Board*** shall ***be chaired by the Commission. The Commission shall***

Amendment

3. The ***Chair*** shall ***have the following tasks:***

convene the meetings and prepare *the* agenda *in accordance with* the tasks of the Board *pursuant to this Regulation and with its rules of procedure*. The Commission *shall provide administrative and analytical support for the activities* of the Board *pursuant to this Regulation*.

- convene the meetings *of the Board* and prepare *its* agenda;

- *ensure the timely performance of* the tasks of the Board;

- *notify Member States and* the Commission of *any recommendations adopted by* the Board.

Or. en

Amendment 2455

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 57 – paragraph 3

Text proposed by the Commission

3. The Board shall be chaired by the Commission. The **Commission** shall convene the meetings and prepare the agenda in accordance with the tasks of the Board pursuant to this Regulation and with its rules of procedure. The **Commission** shall provide administrative and analytical support for the activities of the Board pursuant to this Regulation.

Amendment

3. The Board shall be chaired by the Commission. The **Board's Secretariat** shall convene the meetings and prepare the agenda in accordance with the tasks of the Board pursuant to this Regulation and with its rules of procedure. The **Board's Secretariat** shall **also** provide administrative and analytical support for the activities of the Board pursuant to this Regulation.

Or. en

Amendment 2456

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 57 – paragraph 3

Text proposed by the Commission

3. The Board shall ***be chaired by the Commission. The Commission*** shall convene the meetings and prepare the agenda in accordance with the tasks of the Board pursuant to this Regulation and with its rules of procedure. ***The Commission shall provide administrative and analytical support for the activities of the Board pursuant to this Regulation.***

Amendment

3. The Board shall ***elect a chair and two deputy chairs from among its members. Their term of office shall be five years and be renewable once. . The Chair*** shall convene the meetings and prepare the agenda in accordance with the tasks of the Board pursuant to this Regulation and with its rules of procedure.

Or. en

Amendment 2457

Krzysztof Hetman, Adam Jarubas, Andrzej Halicki, Jerzy Buzek, Janusz Lewandowski, Radosław Sikorski

Proposal for a regulation

Article 57 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The Board shall establish a AI Advisory Council (Advisory Council). The Advisory Council shall be composed of relevant representatives from industry, research, academia, civil society, standardisation organisations, relevant common European data spaces and other relevant stakeholders or third parties appointed by the Board, representing all Member States to maintain geographical balance. The Advisory Council shall support the work of the Board by providing advice relating to the tasks of the Board. The Advisory Council shall nominate a relevant representative, depending on the configuration in which the Board meets, to attend meetings of the Board and to participate in its work. The composition of the Advisory Council and its recommendations to the Board shall be made public.

Or. en

Amendment 2458

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 57 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The secretariat of the Board shall have the necessary human and financial resources to be able to perform its tasks pursuant to this Regulation.

Or. en

Amendment 2459

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 57 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The Board shall elect a chair and two deputy chairs from amongst its members by simple majority.

Or. en

Amendment 2460

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 57 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. The Commission shall provide administrative and analytical support for the activities of the Board pursuant to this Regulation.

Or. en

Amendment 2461

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 57 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. The term of office of the Chair and of the deputy chairs shall be five years and be renewable once.

Or. en

Amendment 2462

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 57 – paragraph 4

Text proposed by the Commission

Amendment

4. The Board *may* invite external experts *and observers* to attend its meetings *and may hold exchanges with interested third parties to inform its activities to an appropriate extent. To that end* the Commission may facilitate exchanges between the Board and other Union bodies, offices, agencies and advisory groups.

4. The Board *shall regularly* invite external experts, *in particular from organisations representing the interests of the providers and users of AI systems, SMEs and start-ups, civil society organisations, representatives of affected persons, researchers, standardisation organisations, testing and experimentation facilities*, to attend its meetings *in order to ensure accountability and appropriate participation of external actors*. The Commission may facilitate exchanges between the Board and other Union bodies, offices, agencies and advisory groups.

Or. en

Amendment 2463

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 57 – paragraph 4

Text proposed by the Commission

4. The Board may invite external experts and observers to attend its meetings and may hold exchanges with interested third parties to inform its activities to an appropriate extent. To that end the **Commission may** facilitate exchanges between the Board and other Union bodies, offices, agencies and advisory groups.

Amendment

4. The Board may invite external experts and observers to attend its meetings and may hold exchanges with interested third parties to inform its activities to an appropriate extent. To that end the **Chair shall** facilitate exchanges between the Board and other Union bodies, offices, agencies and advisory groups. **The Board shall ensure a balanced representation of stakeholders from academia, research, industry and civil society when it invites external experts and observers, and actively stimulate participation from underrepresented categories.**

Or. en

Amendment 2464

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation
Article 57 – paragraph 4

Text proposed by the Commission

4. The Board may invite external experts and observers to attend its meetings and may hold exchanges with interested third parties to inform its activities to an appropriate extent. **To that end** the Commission may facilitate exchanges between the Board and other Union bodies, offices, agencies and advisory groups.

Amendment

4. The Board may invite external experts and observers to attend its meetings and may hold exchanges with interested third parties to inform its activities to an appropriate extent, **and hold consultations with relevant stakeholders and ensure appropriate participation. The Commission may facilitate exchanges between the Board and other Union bodies, offices, agencies and advisory.** The Commission may facilitate exchanges between the Board and other Union bodies, offices, agencies and advisory groups.

Or. en

Amendment 2465

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 57 – paragraph 4

Text proposed by the Commission

4. The Board may invite external experts and observers ***to attend its meetings and may hold exchanges with interested third parties to inform its activities to an appropriate extent.*** To that end the Commission may facilitate exchanges between the Board and other Union bodies, offices, agencies and ***advisory groups.***

Amendment

4. The Board may invite external experts and observers. To that end the Commission may facilitate exchanges between the Board and other Union bodies, offices, agencies and ***specialised bodies. The composition of the specialised body shall ensure fair representation of consumer organisations, civil society organisations and academics specialised on AI. Its meetings and their minutes shall be published online.***

Or. en

Amendment 2466

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 57 – paragraph 4

Text proposed by the Commission

4. The Board may invite external experts and observers to attend its meetings and may hold exchanges with ***interested third parties to inform its activities to an appropriate extent. To that end the Commission may facilitate exchanges between the Board and other Union bodies, offices, agencies and advisory groups.***

Amendment

4. The Board may invite ***national authorities, such as national equality bodies, to its meetings, where the issues discussed are of relevance for them. The Board may also invite, where appropriate, external experts, and observers and interested third parties, including stakeholders, such as those referred to in Article 58, paragraph 1c, to attend its meetings and may hold exchanges with them.***

Or. en

Amendment 2467

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 57 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Without prejudice to paragraph 4, the Board's Secretariat shall organise four additional meetings between the Board and the High Level Expert Group on AI to allow them to share their practical and technical expertise every quarter of the year.

Or. en

Amendment 2468

Sophia in 't Veld, Michal Šimečka

Proposal for a regulation

Article 57 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The Board shall take into consideration advice provided by the EDPB, particularly on new or evolving risks of high-risk AI systems processing personal data.

Or. en

Amendment 2469

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 57 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The Board shall cooperate with Union institutions, bodies, offices, agencies and advisory groups and shall make the results of that cooperation

publicly available.

Or. en

Amendment 2470

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 57 a (new)

Text proposed by the Commission

Amendment

Article 57 a

Secretariat

- 1. The Board shall have a secretariat, which shall be provided by the European Data Protection Supervisor.*
- 2. The secretariat shall perform its tasks exclusively under the instructions of the Chair of the Board.*
- 3. The staff of the European Data Protection Supervisor involved in carrying out the tasks conferred on the Board by this Regulation shall be subject to separate reporting lines from the staff involved in carrying out tasks conferred on the European Data Protection Supervisor.*
- 4. Where appropriate, the Board and the European Data Protection Supervisor shall establish and publish a Memorandum of Understanding implementing this Article, determining the terms of their cooperation, and applicable to the staff of the European Data Protection Supervisor involved in carrying out the tasks conferred on the Board by this Regulation.*
- 5. The secretariat shall provide analytical, administrative and logistical support to the Board.*
- 6. The secretariat shall be responsible in particular for:*

- (a) the day-to-day business of the Board;*
- (b) communication between the members of the Board, its Chair and the Commission;*
- (c) communication with other institutions and the public;*
- (d) the use of electronic means for the internal and external communication;*
- (e) the translation of relevant information;*
- (f) the preparation and follow-up of the meetings of the Board;*
- (g) the preparation, drafting and publication of opinions, guidelines, and other texts to be adopted by the Board.*

7. For the exercise of point (g) of paragraph 6, the secretariat shall, under the guidance of the Chair and the deputy Chairs, establish a European Centre of Excellence for Artificial Intelligence (ECE-AI, “the Centre”). The Centre shall be provided with sufficient resources and facilities to attract the highest level of expertise on artificial intelligence from technical and humanities sciences. In particular it shall have a sufficient number of personnel permanently available whose competences and expertise shall include an in-depth understanding of artificial intelligence technologies, data and data computing, fundamental rights, health and safety risks and environmental risks, and knowledge of existing standards and legal requirements, including competition law.

Or. en

Justification

European Center of Excellence from the testimony and advice of Frances Haugen.

Amendment 2471

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituța

Proposal for a regulation
Article 57 a (new)

Text proposed by the Commission

Amendment

Article 57 a

Composition of the management board

- 1. The management board shall be composed of one representative of each Member State, the Commission, and the European Data Protection Supervisor, and the Fundamental Rights Agency. Each Member State and the Commission shall have one vote. The EDPS and the FRA shall not have voting rights.***
- 2. Each member of the management board shall have an alternate. That alternate shall represent the member in the member's absence.***
- 3. The Commission and the Member States shall aim to achieve gender balance on the management board.***
- 4. The list of the members and alternate members of the management board shall be made public and shall be updated by the AI Office on its web site.***
- 5. The term of office of the members of the management board and their alternates shall be four years. That term shall be renewable once.***

Or. en

Amendment 2472

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituţa

Proposal for a regulation
Article 57 b (new)

Text proposed by the Commission

Amendment

Article 57 b

Functions of the management board

1. The management board shall be responsible for taking the strategic decisions of the AI Office in accordance with this Regulation. In particular, the management board shall:

(a) Establish the general direction of the operation of the AI Office and ensure that the AI Office operates in accordance with the rules and principles laid down in this Regulation;

(b) Adopt, on the basis of the draft submitted by the Office's executive director and after the Commission has delivered an opinion, the single programming document of the AI Office containing, inter alia, the AI Office's multiannual programming and its work programme for the following year. The single programming document shall be transmitted to the European Parliament, the Council and the Commission;

(c) Appoint the executive director and, where relevant, extend his or her term of office or remove him or her from office;

(d) Produce, on the basis of a draft drawn up by the executive director, the estimate budget of the AI Office for the following financial year. This estimate, which shall initially include a draft establishment plan by the date of entry into force of this Regulation, shall be transmitted by the management board to the Commission within the first quarter of each year;

(e) Adopt the AI Office's annual draft and final budgets;

(f) Assess and adopt the consolidated annual report on the AI Office activities, including an evaluation based on performance indicators; submit both the annual report and the assessment thereof to the European Parliament, to the Council, to the Commission and to the Court of Auditors, and make the annual report public;

(g) Adopt the AI Office's rules of procedure on the basis of the draft submitted by the executive director after

the Commission has delivered an opinion;
(h) Take decisions, based on the executive director's recommendation, concerning the establishment of the AI Office's internal structures and, where necessary, the modification of those internal structures, taking into consideration technological developments that may create additional operational needs and having regard to sound budgetary management;

Or. en

Amendment 2473

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituța

**Proposal for a regulation
Article 57 c (new)**

Text proposed by the Commission

Amendment

Article 57 c

Meetings of the management board

- 1. The meetings of the management board shall be convened by the Chair. The Chair shall prepare the agenda of the meetings in accordance with the tasks of the Board pursuant to this Regulation and with its rules of procedure.*
- 2. The meetings of the management board shall be considered to be quorate where at least two-thirds of its members are present.*
- 3. The management board shall hold at least two ordinary meetings a year. It shall also hold extraordinary meetings at the request of the Chair, at the request of the Commission, or at the request of at least one third of its members.*
- 4. The executive director shall take part in the meetings of the management board but shall not have the right to vote.*

5. Members of the advisory forum may take part in the meetings of the management board at the invitation of the Chair, but shall not have the right to vote.

6. The members of the management board and their alternates may be assisted at the meetings of the management board by advisers or experts, subject to the rules of procedure of the management board.

7. The AI Office shall provide the secretariat of the management board and support the management Board in its operations.

Or. en

Amendment 2474

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituța

**Proposal for a regulation
Article 57 c (new)**

Text proposed by the Commission

Amendment

Article 57 c

Chair of the management board

1. The management board shall elect a Chair and a deputy Chair from among its voting members by simple majority. The term of office of the Chair and of the deputy Chair shall be three years. The terms of the Chair and of the deputy Chair may be renewed once. The Deputy Chair shall replace the Chair ex officio if the Chair is unable to attend to his or her duties.

Or. en

Amendment 2475

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituța

Proposal for a regulation
Article 57 d (new)

Text proposed by the Commission

Amendment

Article 57 d

Voting rules of the management board

- 1. The management board shall take its decisions by a majority of its members, unless otherwise provided for in this Regulation.***
- 2. A majority of two-thirds of the members of the management board shall be required for the adoption of the single programming document and of the annual budget and for the appointment, extension of the term of office or removal of the executive director.***
- 3. Each member shall have one vote. In the absence of a member, their alternate shall be entitled to exercise the member's right to vote.***
- 4. The Chair of the management board shall take part in the voting.***
- 5. The executive director shall not take part in the voting.***
- 6. The management board's rules of procedure shall establish more detailed voting arrangements, in particular the circumstances in which a member may act on behalf of another member.***

Or. en

Amendment 2476
Jorge Buxadé Villalba

Proposal for a regulation
Article 58

Text proposed by the Commission

Amendment

Article 58

deleted

Tasks of the Board

When providing advice and assistance to the Commission in the context of Article 56(2), the Board shall in particular:

- (a) collect and share expertise and best practices among Member States;*
- (b) contribute to uniform administrative practices in the Member States, including for the functioning of regulatory sandboxes referred to in Article 53;*
- (c) issue opinions, recommendations or written contributions on matters related to the implementation of this Regulation, in particular*
 - (i) on technical specifications or existing standards regarding the requirements set out in Title III, Chapter 2,*
 - (ii) on the use of harmonised standards or common specifications referred to in Articles 40 and 41,*
 - (iii) on the preparation of guidance documents, including the guidelines concerning the setting of administrative fines referred to in Article 71.*

Or. es

Amendment 2477

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituţa

Proposal for a regulation Article 58 – title

Text proposed by the Commission

Amendment

Tasks *of the Board*

Tasks

Or. en

Amendment 2478

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 58 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1 The Board shall ensure the consistent application of this Regulation and shall the competent supervisory authority to enforce this Regulation where one of the following criteria is met:

(a) The aggregate worldwide turnover of an undertaking or the undertaking to which another undertaking belongs is more than EUR 2 500 million;

(b) in each of at least three Member States, the aggregate turnover of an undertaking or the undertaking to which another undertaking belongs is more than EUR 100 million;

(c) in each of at least three Member States included for the purpose of point (b), the aggregate turnover of an undertaking or the undertaking to which another undertaking belongs is more than EUR 25 million;and

(d) the aggregate Union-wide turnover of an undertaking or the undertaking to which another undertaking belongs is more than EUR 100 million, unless each of the undertakings concerned achieves more than two-thirds of its aggregate Community-wide turnover within one and the same Member State.

Or. en

Justification

For effective enforcement, large undertakings with an impact in multiple Member States, with clear Union dimension should be subject to one supervisory authority with all issues related to application of this regulation. Definition based on 'community dimension' defined in Article 1(3) of Regulation 139/200 (Merger Regulation).

Amendment 2479

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 58 – paragraph -1 a (new)

Text proposed by the Commission

Amendment

-1 a In order to ensure consistent application of this Regulation, the Board shall, on its own initiative or, where relevant, at the request of the Commission, in particular:

(a) monitor and ensure the correct application of Title III of this Regulation without prejudice to the tasks of national supervisory authorities;

(b) advise the Commission on any issue related to the development and use of artificial intelligence in the in the Union, including on any proposed amendment of this Regulation;

(c) issue guidelines, recommendations, and best practices on procedures, information and documentation as referred to in Titles III and VIII;

(d) examine, on its own initiative, on request of one of its members or on request of the Commission, any question covering the application of this Regulation and issue guidelines, recommendations and best practices in order to encourage consistent application of this Regulation;

(e) draw up guidelines for supervisory authorities concerning the application of this Regulation;

(f) draw up guidelines for supervisory authorities concerning the setting of administrative fines pursuant to Article 72;

(g) review the practical application of the guidelines, recommendations and best practices referred to in points (e) and (f);

(h) encourage the drawing-up of codes of conduct pursuant to Article 69;

(i) issue opinions on codes of conduct drawn up at Union level pursuant to

Article 69(3a);

(j) issue decisions pursuant to Articles 66 and 67;

(k) promote the cooperation and the effective bilateral and multilateral exchange of information and best practices between the supervisory authorities;

(l) promote common training programmes and facilitate personnel exchanges between the supervisory authorities and, where appropriate, with the supervisory authorities of third countries or with international organisations;

(m) promote the exchange of knowledge and documentation on relevant legislation and practice with supervisory authorities whose scope includes artificial intelligence worldwide;

(n) maintain a publicly accessible electronic register of decisions taken by supervisory authorities and courts on issues handled pursuant to Chapter 3 of Title VIII.

Or. en

Amendment 2480

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese
on behalf of the Verts/ALE Group
Alviina Alametsä

Proposal for a regulation

Article 58 – paragraph -1 b (new)

Text proposed by the Commission

Amendment

-1 b *Where the Commission requests advice from the Board, it may indicate a time limit, taking into account the urgency of the matter.*

Or. en

Amendment 2481

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 58 – paragraph -1 c (new)

Text proposed by the Commission

Amendment

-1 c *The Board shall forward its opinions, guidelines, recommendations, and best practices to the Commission and to the committee referred to in Article 73 and make them public.*

Or. en

Amendment 2482

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 58 – paragraph -1 d (new)

Text proposed by the Commission

Amendment

-1 d *The Board shall, where appropriate, consult interested parties and give them the opportunity to comment within a reasonable period. The Board shall make the results of the consultation procedure publicly available.*

Or. en

Amendment 2483

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 58 – paragraph -1 e (new)

Text proposed by the Commission

Amendment

-1 e *When providing advice and assistance to the Commission in the*

context of Article 56(2), the Board shall in particular:

(a) collect and share expertise and best practices among Member States;

(b) contribute to uniform administrative practices in the Member States, including for the functioning of regulatory sandboxes referred to in Article 53;

(c) issue opinions, recommendations or written contributions on matters related to the implementation of this Regulation, in particular on

(i) technical specifications or existing standards regarding the requirements set out in Title III, Chapter 2,

(ii) the use of harmonised standards or common specifications referred to in Articles 40 and 41,

(iii) the preparation of guidance documents, including the guidelines concerning the setting of administrative fines referred to in Article 71,

(iii a) amendments to the Annexes I and III.

Or. en

Amendment 2484

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Catharina Rinzema, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 58 – paragraph 1 – introductory part

Text proposed by the Commission

When providing advice and assistance to the Commission in the context of Article 56(2), the Board shall in particular:

Amendment

When providing advice and assistance to the Commission **and to the national supervisory authorities** in the context of Article 56(2), the Board shall in particular:

Or. en

Amendment 2485

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 58 – paragraph 1 – introductory part

Text proposed by the Commission

When providing advice and assistance to the Commission in the context of Article 56(2), the Board shall in particular:

Amendment

When providing advice and assistance to the Commission **and the national supervisory authorities** in the context of Article 56(2), the Board shall in particular:

Or. en

Amendment 2486

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituţa

Proposal for a regulation

Article 58 – paragraph 1 – introductory part

Text proposed by the Commission

When providing advice and assistance to the Commission in the context of Article 56(2), the Board shall in particular:

Amendment

In fulfilling its objectives, the AI Office shall in particular:

Or. en

Amendment 2487

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 58 – paragraph 1 – introductory part

Text proposed by the Commission

When providing advice and assistance to the Commission in the context of Article 56(2), the Board shall in particular:

Amendment

1. When providing advice and assistance to the Commission in the context of Article 56(2), the Board shall in particular:

Or. en

Amendment 2488

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 58 – paragraph 1 – introductory part

Text proposed by the Commission

When *providing advice and assistance to the Commission in the context of Article 56(2)*, the Board shall in particular:

Amendment

When *ensuring the consistent application of this Regulation*, the Board shall in particular:

Or. en

Amendment 2489

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 58 – paragraph 1 – point -a (new)

Text proposed by the Commission

Amendment

(-a) issue opinions, recommendations or written contributions with a view to ensuring the consistent implementation of this Regulation;

Or. en

Amendment 2490

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 58 – paragraph 1 – point -a a (new)

Text proposed by the Commission

Amendment

(-a a) examine, on its own initiative or on request of one of its members, any question covering the application of this Regulation and issue guidelines, recommendations and best practices with a view to ensuring the consistent

implementation of this Regulation;

Or. en

Amendment 2491

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 58 – paragraph 1 – point a

Text proposed by the Commission

(a) collect and share expertise and best practices among Member States;

Amendment

(a) collect and share expertise and best practices among Member States, ***including on the promotion of awareness raising initiatives on Artificial Intelligence and the Regulation;***

Or. en

Amendment 2492

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 58 – paragraph 1 – point a

Text proposed by the Commission

(a) collect and share expertise and best practices ***among Member States;***

Amendment

(a) collect and share expertise and best practices ***in implementation of this Regulation;***

Or. en

Amendment 2493

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituţa, Michal Šimečka

Proposal for a regulation

Article 58 – paragraph 1 – point a a (new)

(a a) issue opinions, recommendations or written contributions on matters related to the implementation of this Regulation;

Or. en

Amendment 2494

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituța, Michal Šimečka

Proposal for a regulation

Article 58 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(a b) examine, on its own initiative or on request of its management board, any question covering the application of this Regulation and issue guidelines, recommendations and best practices with a view to ensuring the consistent implementation of this Regulation;

Or. en

Amendment 2495

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituța

Proposal for a regulation

Article 58 – paragraph 1 – point a c (new)

Text proposed by the Commission

Amendment

(a c) provide the Commission, in the cases referred to in Article 68a (1)(a) and(1)(b), with all the available information at its disposal, including market studies, impact assessments, and analyses referred to in paragraph (f) of this article, to prepare the decision for triggering the Commission's intervention

and opening of proceedings pursuant to Article 68a;

Or. en

Amendment 2496

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituţa, Michal Šimečka

Proposal for a regulation

Article 58 – paragraph 1 – point a d (new)

Text proposed by the Commission

Amendment

(a d) assist Member States in developing the organizational and technical expertise required for the implementation of this Regulation;

Or. en

Amendment 2497

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituţa

Proposal for a regulation

Article 58 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) contribute to uniform *administrative* practices in the Member States, including *for the* functioning of regulatory sandboxes referred to in Article 53;

(b) contribute to uniform practices in the Member States, including *by assisting Member States, the Commission, and, where applicable, other authorities in the establishment, development, and* functioning of regulatory sandboxes referred to in Article 53, *including by providing input and support in drafting the delegated acts referred to in Article 53(6);*

Or. en

Amendment 2498

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 58 – paragraph 1 – point b

Text proposed by the Commission

(b) contribute to uniform administrative practices in the Member States, including for the functioning of regulatory sandboxes referred to in Article 53;

Amendment

(b) contribute to uniform administrative practices in the Member States, including for the *assessment, establishing, managing with the meaning of fostering cooperation and guaranteeing consistency among regulatory sandboxes, and* functioning of regulatory sandboxes referred to in Article 53, *Article 54 and Annex IXa*;

Or. en

Amendment 2499

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 58 – paragraph 1 – point b

Text proposed by the Commission

(b) contribute to uniform administrative practices in the Member States, including for the functioning of regulatory sandboxes referred to in Article 53;

Amendment

(b) contribute to uniform administrative practices in the Member States, including for the *assessment, establishing, managing with the meaning of fostering cooperation and guaranteeing consistency among regulatory sandboxes, and* functioning of regulatory sandboxes referred to in Article 53;

Or. en

Amendment 2500

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 58 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) contribute to uniform administrative practices ***in the Member States***, including for the functioning of regulatory sandboxes referred to in Article 53;

(b) contribute to uniform administrative practices, including for the functioning of ***the*** regulatory sandboxes, ***as*** referred to in Article 53;

Or. en

Amendment 2501

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituţa

Proposal for a regulation

Article 58 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) Support innovation by coordinating the exchange of information and good practices and by facilitating the cooperation among regulatory sandboxes established according to Article 53 and by making available on its website the information referred to in Article 53 (5).

Or. en

Amendment 2502

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituţa

Proposal for a regulation

Article 58 – paragraph 1 – point c – introductory part

Text proposed by the Commission

Amendment

(c) issue opinions, recommendations ***or*** written contributions on matters related to the ***implementation of this Regulation, in particular***

(c) issue opinions, recommendations, written contributions, ***or studies*** on matters related to the ***technical specifications or existing standards regarding the requirements set out in Title III, Chapter***

Or. en

Amendment 2503

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation

Article 58 – paragraph 1 – point c – introductory part

Text proposed by the Commission

(c) issue opinions, recommendations or written contributions on matters related to the implementation of this Regulation, in particular

Amendment

(c) issue opinions, recommendations or written contributions on matters related to the implementation of this Regulation, in ***consultation with relevant stakeholders***, in particular

Or. en

Amendment 2504

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation

Article 58 – paragraph 1 – point c – introductory part

Text proposed by the Commission

(c) issue opinions, recommendations or written contributions on matters related to the implementation of this Regulation, in particular

Amendment

(c) issue opinions, recommendations or written contributions on matters related to the implementation of this Regulation, ***after consulting relevant stakeholders***, in particular

Or. en

Amendment 2505

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin

Mituța

Proposal for a regulation

Article 58 – paragraph 1 – point c – point i

Text proposed by the Commission

Amendment

(i) on technical specifications or existing standards regarding the requirements set out in Title III, Chapter 2, **deleted**

Or. en

Amendment 2506

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituța

Proposal for a regulation

Article 58 – paragraph 1 – point c – point ii

Text proposed by the Commission

Amendment

(ii) on the use of harmonised standards or common specifications referred to in Articles 40 and 41, **deleted**

Or. en

Amendment 2507

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituța

Proposal for a regulation

Article 58 – paragraph 1 – point c – point iii

Text proposed by the Commission

Amendment

(iii) on the preparation of guidance documents, including the guidelines concerning the setting of administrative fines referred to in Article 71. **deleted**

Or. en

Amendment 2508

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 58 – paragraph 1 – point c – point iii a (new)

Text proposed by the Commission

Amendment

(iii a) on the need for the amendment of each of the Annexes as referred to in Article 73 as well as all other provisions in this Regulation that the Commission can amend, in light of the available evidence.

Or. en

Amendment 2509

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 58 – paragraph 1 – point c – point iii b (new)

Text proposed by the Commission

Amendment

(iii b) on activities and decisions of Member States regarding post-market monitoring, information sharing, market surveillance referred to in Title VIII;

Or. en

Amendment 2510

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 58 – paragraph 1 – point c – point iii c (new)

Text proposed by the Commission

Amendment

(iii c) on developing common criteria for market operators and competent authorities having the same understanding of concepts such as the 'generally acknowledged state of the art'

referred to in Article 9 (3), 'foreseeable risks' referred to in Articles 9 (2) (a), 'foreseeable misuse' referred to in Article 3 (13), Article 9 (2) (b), Article 9 (4), Article 13 (3)(b)(iii) and Article 14 (2), and the 'type and degree of transparency' referred in Article 13 (1);

Or. en

Amendment 2511

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 58 – paragraph 1 – point c – point iii d (new)

Text proposed by the Commission

Amendment

(iii d) verify alignment with the legal acts listed in Annex II, including with the implementation matters related to those acts.

Or. en

Amendment 2512

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 58 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) carry out annual reviews and analyses of the complaints sent to and findings made by national supervisory authorities, of the serious incidents reports referred to in Article 62, and of the new registration in the EU Database referred to in Article 60 to identify trends and potential emerging issues threatening the future health and safety and fundamental rights of citizens that are not adequately addressed by this Regulation;

Or. en

Amendment 2513

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Catharina Rinzema, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 58 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) carry out annual reviews and analyses of the complaints sent to and findings made by national competent authorities, of the serious incidents reports referred to in Article 62, and of the new registration in the EU Database referred to in Article 60 to identify trends and potential emerging issues threatening the future health and safety and fundamental rights of citizens that are not adequately addressed by this Regulation;

Or. en

Amendment 2514

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 58 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) encourage, facilitate and support the drawing up of codes of conduct intended to foster the voluntary application to AI systems of those codes of conduct in close cooperation with relevant stakeholders in accordance with Article 69;

Or. en

Amendment 2515

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina

Vollath, Tsvetelina Penkova, Petar Vitanov, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation

Article 58 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) advise the Commission on the possible amendment of Article 5, to expand the prohibitions, based on national and cross-border cases that led to withdrawing or recalling AI systems from the market.

Or. en

Amendment 2516

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituța, Michal Šimečka

Proposal for a regulation

Article 58 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) support the Commission and the Member States in the preparation of guidance documents, including the guidelines concerning the setting of administrative fines referred to in Article 71;

Or. en

Amendment 2517

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 58 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) provide guidance in relation to governing general-purpose AI systems

and their compliance with applicable requirements to meet the objectives of this Regulation.

Or. en

Amendment 2518

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini, Brando Benifei

Proposal for a regulation

Article 58 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(c b) cooperate with the European Data Protection Board and with the FRA to receive guidance in relation to the respect of fundamental rights, in particular the right to non-discrimination and to equal treatment, the right to privacy, confidentiality of communications and the protection of personal data;

Or. en

Amendment 2519

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituţa

Proposal for a regulation

Article 58 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(c b) encourage, facilitate and support the drawing up of risk-commensurate codes of conduct intended to foster the voluntary application to AI systems of those codes of conduct in close cooperation with industry and other relevant stakeholders in accordance with Article 69;

Or. en

Amendment 2520

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 58 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(c b) provide guidance in relation to governing research and development activities for creating new or improving existing AI systems, and the alignment of these activities with the objectives of this Regulation.

Or. en

Amendment 2521

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Catharina Rinzema, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 58 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(c b) coordinate among national competent authorities; issue guidelines, recommendations and best practices with a view to ensuring the consistent implementation of this Regulation;

Or. en

Amendment 2522

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 58 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(c b) carry out biannual horizon scanning and foresight exercises to extrapolate the impact the trends and

emerging issues can have on the Union;

Or. en

Amendment 2523

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituța

Proposal for a regulation

Article 58 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(c c) carry out periodic in-depth horizon-scanning, foresight, and market monitoring exercises to analyse trends and emerging issues in respect of this Regulation, with a particular focus on emerging technologies and their interaction with artificial intelligence, European global competitiveness in artificial intelligence, the uptake of artificial intelligence technologies, the development of digital skills, and emerging systemic threats related to artificial intelligence, including those referred to in Article 68a (1)(a) and (1)(b);

Or. en

Amendment 2524

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 58 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(c c) The Board shall provide statutory guidance in relation to children's rights, applicable law and minimum standards for the evaluation of automated decision-making systems to meet the objectives of this Regulation pertaining to children and

to investigate the design goals, data inputs, model selection, implementation and outcomes of such systems.

Or. en

Amendment 2525

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 58 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(c c) annually publish recommendations to the Commission, in particular on the categorization of prohibited practices, high-risk systems, and codes of conduct for AI systems that are not classified as high-risk;

Or. en

Amendment 2526

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Catharina Rinzema, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 58 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(c c) promote the cooperation and effective bilateral and multilateral exchange of information and best practices between the national supervisory authorities;

Or. en

Amendment 2527

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation
Article 58 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(c c) promote public awareness and understanding of the benefits, risks, rules and safeguards and rights in relation to the use of AI systems;

Or. en

Amendment 2528

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituța

Proposal for a regulation
Article 58 – paragraph 1 – point c d (new)

Text proposed by the Commission

Amendment

(c d) cooperate with the European Data Protection Board and with the FRA to provide guidance in relation to the respect of fundamental rights, in particular the right to non-discrimination and to equal treatment, the right to privacy and the protection of personal data;

Or. en

Amendment 2529

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Article 58 – paragraph 1 – point c d (new)

Text proposed by the Commission

Amendment

(c d) annually publish recommendations to the Commission, in particular on the categorization of prohibited practices, high-risk systems, and codes of conduct for AI systems that

are not classified as high-risk;

Or. en

Amendment 2530

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 58 – paragraph 1 – point c d (new)

Text proposed by the Commission

Amendment

(c d) promote the cooperation and effective bilateral and multilateral exchange of information and best practices between the national supervisory authorities;

Or. en

Amendment 2531

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 58 – paragraph 1 – point c d (new)

Text proposed by the Commission

Amendment

(c d) encourage and facilitate the drawing up of codes of conduct as referred to in Article 69;

Or. en

Amendment 2532

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini, Brando Benifei

Proposal for a regulation

Article 58 – paragraph 1 – point c e (new)

Text proposed by the Commission

Amendment

(c e) promote common training programmes and facilitate personnel exchanges between the national supervisory authorities and, where appropriate, with the national supervisory authorities of third countries or with international organisations;

Or. en

Amendment 2533

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 58 – paragraph 1 – point c e (new)

Text proposed by the Commission

Amendment

(c e) carry out biannual horizon scanning and foresight exercises to extrapolate the impact the trends and emerging issues can have on the Union;

Or. en

Amendment 2534

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituța, Michal Šimečka

Proposal for a regulation

Article 58 – paragraph 1 – point c e (new)

Text proposed by the Commission

Amendment

(c e) promote public awareness and understanding of the benefits, risks, rules and safeguards and rights in relation to the use of AI systems;

Or. en

Amendment 2535

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 58 – paragraph 1 – point c e (new)

Text proposed by the Commission

Amendment

(c e) coordinate among national supervisory authorities and make sure that the consistency mechanism in Article 59a(3) is observed;

Or. en

Amendment 2536

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 58 – paragraph 1 – point c f (new)

Text proposed by the Commission

Amendment

(c f) adopt binding decisions for national supervisory authorities in case the consistency mechanism is not able to solve the conflict among national supervisory authorities as it is clarified in Article 59a(6);

Or. en

Amendment 2537

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation

Article 58 – paragraph 1 – point c f (new)

Text proposed by the Commission

Amendment

(c f) advise the Commission on the possible amendment of the Annexes by means of delegated act in accordance with Article 73, in particular the annex listing high-risk AI systems;

Amendment 2538

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituța, Michal Šimečka

Proposal for a regulation

Article 58 – paragraph 1 – point c f (new)

Text proposed by the Commission

Amendment

(c f) promote the cooperation and effective bilateral and multilateral exchange of information and best practices between the national supervisory authorities;

Or. en

Amendment 2539

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Catharina Rinzema, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 58 – paragraph 1 – point c f (new)

Text proposed by the Commission

Amendment

(c f) promote public awareness and understanding of the benefits, rules and safeguards and rights in relation to the use of AI systems.

Or. en

Amendment 2540

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituța

Proposal for a regulation

Article 58 – paragraph 1 – point c g (new)

Text proposed by the Commission

Amendment

(c g) facilitate cooperation between the supervisory authorities of Member States and other supervisory authorities that might be responsible for the enforcement of this Regulation;

Or. en

Amendment 2541

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 58 – paragraph 1 – point c g (new)

Text proposed by the Commission

Amendment

(c g) issue yearly reports on the implementation of the Regulation, including an assessment of the impact of the Regulation on economic operators.

Or. en

Amendment 2542

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation

Article 58 – paragraph 1 – point c g (new)

Text proposed by the Commission

Amendment

(c g) ensure that the national supervisory authorities actively cooperate in the implementation of this Regulation;

Or. en

Amendment 2543

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituța, Michal Šimečka

Proposal for a regulation

Article 58 – paragraph 1 – point c h (new)

Text proposed by the Commission

Amendment

(c h) support capacity and expertise building in supervisory authorities that are responsible for the enforcement of this Regulation;

Or. en

Amendment 2544

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituța, Michal Šimečka

Proposal for a regulation

Article 58 – paragraph 1 – point c i (new)

Text proposed by the Commission

Amendment

(c i) advise the Commission on the possible amendment of the Annexes by means of delegated acts in accordance with Article 73, in particular the annex listing high-risk AI systems;

Or. en

Amendment 2545

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituța, Michal Šimečka

Proposal for a regulation

Article 58 – paragraph 1 – point c j (new)

Text proposed by the Commission

Amendment

(c j) ensure that the national supervisory authorities actively cooperate in the implementation of this Regulation;

Or. en

Amendment 2546

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituţa

Proposal for a regulation

Article 58 – paragraph 1 – point c k (new)

Text proposed by the Commission

Amendment

(c k) adopt binding decisions for national competent authorities in cases of serious disagreements pursuant to article 59a (5);

Or. en

Amendment 2547

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituţa

Proposal for a regulation

Article 58 – paragraph 1 – point c l (new)

Text proposed by the Commission

Amendment

(c l) promote the development of a common European approach to benchmarking by cooperating with national metrology and benchmarking authorities and by issuing opinions, recommendations, written contributions, or studies with a view to ensure consistent and harmonised European benchmarking standards;

Or. en

Amendment 2548

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituţa, Michal Šimečka

Proposal for a regulation

Article 58 – paragraph 1 – point c m (new)

Text proposed by the Commission

Amendment

(c m) provide guidance in relation to children's rights, applicable law and minimum standards to meet the objectives of this Regulation that pertain to children;

Or. en

Amendment 2549

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituța

Proposal for a regulation

Article 58 – paragraph 1 – point c n (new)

Text proposed by the Commission

Amendment

(c n) promote and support the accessible development and use of artificial intelligence systems, in accordance with the provisions of Directive (EU) 2019/882;

Or. en

Amendment 2550

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 58 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

When acting in the context of Article 59c on cases involving two or more Member States, the Board shall adopt binding decisions for national supervisory authorities.

Or. en

Amendment 2551

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 58 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

The Board shall organise consultations with stakeholders twice a year. Such stakeholders shall include representatives from industry, start-ups and SMEs ,organisations from the civil society organisations such as NGOs, consumer associations, the social partners and academia, to assess the evolution of trends in technology, issues related to the implementation and the effectiveness of this Regulation, regulatory gaps or loopholes observed in practice.

Or. en

Amendment 2552

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituţa

Proposal for a regulation

Article 58 a (new)

Text proposed by the Commission

Amendment

Article 58 a

SECTION 3:the Executive Director

Functions and powers of the executive director

1. The AI Office shall be managed by its executive director, who shall be completely independent in the performance of his or her duties. Without prejudice to the respective competencies of the Union institutions and the management board, the executive director shall neither seek nor take instructions

from any government or from any other body.

2. The executive director may be called upon at any time by the European Parliament or by the Council to attend a hearing on any matter linked to the AI Office's activities or to report on the carrying out of his or her tasks. This includes reporting on the activities of the AI Office, the implementation of its annual programming, the annual activity report for the previous year, and any other matter related to the activities of the AO Office. The executive director shall also make a statement before the European Parliament, if requested, and shall answer in writing any question put forward by a Member of the European Parliament within 15 calendar days from receipt of such question. The executive director shall report regularly to the appropriate bodies and committees of the European Parliament.

3. Except where specific deadlines are provided for in this Regulation, the executive director shall ensure that reports are transmitted to the European Parliament, to the Council and to the Commission as soon as possible, and in any event within six months of the end of the reporting period, unless the executive director duly justifies a delay in writing.

4. The executive director shall be responsible for the preparation and implementation of the strategic decisions taken by the management board and for the taking of decisions related to the operational activities of the AI Office in accordance with this Regulation. The executive director shall have the following functions and powers:

(a) to propose, prepare and implement the strategic decisions and programmes and activities adopted by the management board within the limits set out in this Regulation, its implementing rules and any applicable law;

(b) to take all necessary steps, including the adoption of internal administrative instructions and the publication of notices, to ensure the day-to-day administration and functioning of the AI Office in accordance with this Regulation;

(c) to prepare each year the draft single programming document pursuant to Article 57a (b) and to submit it to the management board for endorsement before that draft is sent to the European Parliament, to the Council and to the Commission;

(d) to draw up a draft statement of estimates of the revenues and expenditure of the AI Office as part of the single programming document pursuant to Article 57a (d) and to implement the budget of the AI Office;

(e) to prepare each year the annual activity report on the Agency's activities and submit it to the management board;

(f) to coordinate all staff matters and all matters of day-to-day administration of the AI Office;

(g) to prepare appropriate draft implementing rules to give effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;

(h) to protect the values and interests of the Union by drawing up, submitting to the management board for approval, and implementing effective internal anti-fraud, anti-corruption, data protection and equal opportunity strategies, procedures, and safeguards;

(i) to establish and implement effective monitoring and evaluation procedures relating to the performance of the AI Office against its objectives and to report annually to the management board on the results of the monitoring;

(j) to consult the advisory forum and to

facilitate its operations;

(k) to develop and maintain contact with industry, standardization bodies, academia, and civil society, including organizations protecting fundamental and digital rights, consumers, workers, children, persons with disabilities, and other vulnerable categories, to ensure regular dialogue with relevant stakeholders;

(l) to cooperate and to exchange views and information regularly with Union institutions, bodies, offices and agencies regarding artificial intelligence and related domains such as data, digital infrastructure, platform and internet governance, and cybersecurity, to ensure coherence in the development and the implementation of Union policy;

(m) to represent the AI Office in international fora for cooperation on Artificial Intelligence;

(n) To support the Chair of the management board in preparing and planning the management board meetings;

(o) to perform other tasks pursuant to this Regulation.

5. The executive director shall be accountable for his or her activities to the management board. 6. The executive director shall be the legal representative of the AI Office.

Or. en

Amendment 2553
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 58 a (new)

Text proposed by the Commission

Amendment

Article 58 a

Guidelines from the Commission on the implementation of this Regulation

Upon the request of the Member States or the Board, or on its own initiative, the Commission shall issue guidelines on the practical implementation of this Regulation and in particular on:

(i) the application of the requirements referred to in Articles 8 - 15;

(ii) the prohibited practices referred to in Article 5;

(iii) the practical implementation of the provisions related to substantial modification;

(iv) the identification and application of criteria and use cases related to high risk AI systems referred to in Annex III;

(v) the practical implementation of transparency obligations laid down in Article 52;

(vi) the relationship of this Regulation with other relevant Union legislation.

When issuing such guidelines, the Commission shall pay particular attention to the needs of SMEs and start-ups as well as sectors most likely to be affected by this Regulation.

Or. en

Amendment 2554

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 58 a (new)

Text proposed by the Commission

Amendment

Article 58 a

Independence of the Board

1. The Board shall act with complete independence in performing its tasks and exercising its powers in accordance with

this Regulation.

2. The members of the Board shall, in the performance of their tasks and exercise of their powers in accordance with this Regulation, remain free from external influence, whether direct or indirect, and shall neither seek nor take instructions from anybody.

3. The members of the Board shall refrain from any action incompatible with their duties and shall not, during their term of office, engage in any incompatible occupation, whether gainful or not.

Or. en

Amendment 2555

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituța

Proposal for a regulation Article 58 b (new)

Text proposed by the Commission

Amendment

Article 58 b

SECTION 4:the Advisory Forum

The advisory forum

1. An advisory forum shall be established by the AI Office to advise it in the fulfilment of its tasks by providing stakeholder input in matters pertaining to this Regulation, in particular on:

(a) technological developments and trends related to artificial intelligence;

(b) potential updates of this Regulation, including prohibited practices, high-risk AI systems, AI systems requiring additional transparency obligations, and novel techniques used for the development of artificial intelligence;

(c) best practices to optimise compliance and to reduce compliance costs and regulatory burden;

(d) measures in support of innovation, start-ups, and SMEs, including improving participation in regulatory sandboxes;

(e) the development, promotion, and uptake of harmonised standards, harmonised benchmarking standards, and common specifications;

(f) emerging threats to health, safety, fundamental rights, or the values of the Union as enshrined in Article 2 TEU related to artificial intelligence;

2. The advisory forum shall have a balanced composition and represent the views of different stakeholders, with a third of its members representing industry, a third of its members representing start-ups, SMEs, and the innovation environment, and a third of its members representing civil society and academia.

3. Stakeholders established outside the Union shall only participate in the advisory forum if they are established in third countries that are subject to a decision of the Commission adopted in accordance with Article 36 of Directive (EU) 2016/680 or Article 45 of Regulation 2016/679 ('adequacy decision') or that are part of an international agreement concluded between the Union and that third country or international organisation pursuant to Article 218 TFEU adducing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals.

4. Members of the advisory forum shall be appointed by the management board, based on a recommendation from the executive director, following a transparent call for applications and selection procedure.

5. When drawing up the call for applications and the selection procedure, the executive director shall ensure that:

(a) the composition criteria set out in

paragraph 2 are met;

(b) the representation of industry, start-up, SMEs and the innovation environment is varied and includes stakeholders of different sizes and representing different industries;

(c) the representation of civil society is varied and includes, at a minimum, organizations for the protection of democracy, fundamental rights, consumer rights, the rights of persons with disabilities, and children's rights;

(d) the advisory forum is balanced in terms of geographical distribution and gender.

6. The term of office of the members of the advisory forum shall be two years. To ensure diversity and balanced representation, the term of office for members of the advisory forum shall not be renewable consecutively.

7. The advisory forum shall draw up its rules of procedure and elect three co-Chairs from among its members according to their presentation criteria set out in paragraph 2. Their term of office shall be two years, non-renewable.

8. The advisory forum shall hold regular meetings at least four times a year. The advisory forum can invite experts and other stakeholders to its meetings. The executive director can attend, ex officio, the meetings of the advisory forum.

9. In fulfilling its role as set out in paragraph 1, the advisory forum can prepare opinions, recommendations or written contributions and forward these to the attention of the executive director.

10. The advisory forum shall prepare an annual report of its activities. That report shall be made publicly available, including on the AI Office website.

11. The AI Office shall provide secretarial assistance to the advisory forum to ensure its proper functioning.

Amendment 2556

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Title VI – Chapter 2 – title

Text proposed by the Commission

2 national competent authorities

Amendment

2 National competent authorities ***and national supervisory authorities***

Amendment 2557

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Title VI – Chapter 2 – title

Text proposed by the Commission

2 national ***competent*** authorities

Amendment

2 national ***supervisory*** authorities

Amendment 2558

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 59 – title

Text proposed by the Commission

Designation of national ***competent*** authorities

Amendment

Designation of national ***supervisory*** authorities

Amendment 2559

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 59 – paragraph 1

Text proposed by the Commission

1. *National competent authorities shall be established or designated by each Member State for the purpose of ensuring the application and implementation of this Regulation.* National *competent authorities* shall be organised so as to safeguard the objectivity and impartiality of *their* activities and tasks.

Amendment

1. Each Member State *shall establish or designate one* national *supervisory authority, which* shall be organised so as to safeguard the objectivity and impartiality of *its* activities and tasks.

Or. en

Amendment 2560

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 59 – paragraph 1

Text proposed by the Commission

1. National competent authorities shall be established or designated by each Member State for the purpose of ensuring the application *and* implementation of this Regulation. National competent authorities shall be organised so as to safeguard the objectivity and impartiality of their activities and tasks.

Amendment

1. National competent authorities shall be established or designated by each Member State for the purpose of ensuring the application, implementation *and enforcement* of this Regulation. National competent authorities shall be organised so as to safeguard the objectivity and impartiality of their activities and tasks.

Or. en

Amendment 2561

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation
Article 59 – paragraph 2

Text proposed by the Commission

Amendment

2. ***Each Member State shall designate a national supervisory authority among the national competent authorities. The national supervisory authority shall act as notifying authority and market surveillance authority unless a Member State has organisational and administrative reasons to designate more than one authority.***

deleted

Or. en

Justification

Moved to a separate article on national supervisory authorities

Amendment 2562

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 59 – paragraph 2

Text proposed by the Commission

2. ***Each Member State shall designate a national supervisory authority among the national competent authorities. The national supervisory authority shall act as notifying authority and market surveillance authority unless a Member State has organisational and administrative reasons to designate more than one authority.***

Amendment

2. ***The national supervisory authority shall be in charge to ensure the application and implementation of this Regulation. With regard to high-risk AI systems, related to products to which legal acts listed in Annex II apply, the competent authorities designated under those legal acts shall continue to lead the administrative procedures. However, to the extent a case involves aspects covered by this Regulation, the competent authorities shall be bound by measures issued by the national supervisory authority designated under this Regulation.*** The national supervisory authority shall ***also*** act as notifying authority and market surveillance authority.

Or. en

Amendment 2563

Jürgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation
Article 59 – paragraph 2

Text proposed by the Commission

2. Each Member State shall designate a national supervisory authority among the national competent authorities. The national supervisory authority shall act as notifying authority and market surveillance authority ***unless a Member State has organisational and administrative reasons to designate more than one authority.***

Amendment

2. Each Member State shall designate a national supervisory authority among the national competent authorities. The national supervisory authority shall act as notifying authority and market surveillance authority.

Or. en

Amendment 2564

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 59 – paragraph 2

Text proposed by the Commission

2. Each Member State shall designate ***a*** national supervisory authority among the national competent authorities. The national supervisory authority shall act as notifying authority and market surveillance authority unless a Member State has organisational and administrative reasons to designate more than one authority.

Amendment

2. 2. Each Member State shall designate ***the national data protection authority as tthe*** national supervisory authority among the national competent authorities. The national supervisory authority shall act as notifying authority and market surveillance authority unless a Member State has organisational and administrative reasons to designate more than one authority.

Or. en

Amendment 2565

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte

Proposal for a regulation
Article 59 – paragraph 2

Text proposed by the Commission

2. Each Member State shall designate **a** national supervisory **authority** among the national competent authorities. The national supervisory authority shall act as notifying **authority** and market surveillance **authority unless a Member State has organisational and administrative reasons to designate more than one authority.**

Amendment

2. Each Member State shall designate **one or more** national supervisory **authorities** among the national competent authorities. The national supervisory authority **or authorities** shall act as notifying **authorities** and market surveillance **authorities.**

Or. fr

Amendment 2566

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 59 – paragraph 3

Text proposed by the Commission

3. Member States shall inform the Commission of their **designation or** designations **and, where applicable, the reasons for designating more than one authority.**

Amendment

3. **The national supervisory authority in each Member State shall be the lead authority, ensure adequate coordination and act as single point of contact for this Regulation.** Member States shall inform the Commission of their designations.

Or. en

Amendment 2567

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation

Article 59 – paragraph 3

Text proposed by the Commission

3. Member States shall inform the Commission of their designation or designations **and, where applicable, the reasons for designating more than one authority.**

Amendment

3. Member States shall inform the Commission of their designation or designations

Amendment 2568

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 59 – paragraph 3

Text proposed by the Commission

3. Member States shall inform the Commission of their designation or designations and, where applicable, the reasons for designating more than one authority.

Amendment

3. Member States shall inform **the Board and** the Commission of their designation or designations and, where applicable, the reasons for designating more than one authority.

Amendment 2569

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 59 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that national competent authorities are provided with adequate financial and human resources to fulfil their tasks under this Regulation. In particular, national competent authorities shall have a sufficient number of personnel permanently available whose competences and expertise shall include an in-depth understanding of artificial intelligence technologies, data and data computing, fundamental rights, health and safety risks and knowledge of existing standards and legal requirements.

Amendment

4. Member States shall ensure that **the** national competent authorities are provided with adequate **technical**, financial and human resources, **premises and infrastructure necessary** to fulfil their tasks under this Regulation. In particular, national competent authorities shall have a sufficient number of personnel permanently available whose competences and expertise shall include an in-depth understanding of artificial intelligence technologies, data and data computing, **personal data protection**, fundamental rights, health and safety risks and knowledge of existing standards and legal requirements. **Member States shall assess and update competence and resource requirements referred to in this paragraph on an annual basis.**

Amendment 2570

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation**Article 59 – paragraph 4***Text proposed by the Commission*

4. Member States shall ensure that national **competent authorities are** provided with adequate financial and human resources to fulfil **their** tasks under this Regulation. In particular, national **competent** authorities shall have a sufficient number of **personnel** permanently available whose competences and expertise shall include an in-depth understanding of artificial intelligence technologies, data and data computing, fundamental rights, health and safety risks **and** knowledge of existing standards and legal requirements.

Amendment

4. Member States shall ensure that national **supervisory authority is** provided with adequate financial and human resources to fulfil **its** tasks under this Regulation. In particular, national **supervisory** authorities shall have a sufficient number of permanently available **personnel**, whose competences and expertise shall include an in-depth understanding of artificial intelligence technologies, data, **data protection** and data computing, **cybersecurity, competition law**, fundamental rights, health and safety risks **as well as** knowledge of existing standards and legal requirements.

Amendment 2571Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group**Proposal for a regulation****Article 59 – paragraph 4***Text proposed by the Commission*

4. Member States shall ensure that national competent authorities are provided with adequate financial and human resources to fulfil their tasks under this Regulation. In particular, national competent authorities shall have a sufficient number of personnel permanently available whose competences and expertise shall include an in-depth

Amendment

4. Member States shall ensure that national competent authorities are provided with adequate financial and human **and technical** resources to fulfil their tasks **effectively** under this Regulation. In particular, national competent authorities shall have a sufficient number of personnel permanently available whose competences and expertise shall include an in-depth

understanding of artificial intelligence technologies, data and data computing, fundamental rights, health and safety risks and knowledge of existing standards and legal requirements.

understanding of artificial intelligence technologies, data and data computing, fundamental rights, **competition law**, health and safety risks and knowledge of existing standards and **other** legal requirements.

Or. en

Amendment 2572

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation Article 59 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that national competent authorities are provided with adequate financial and human resources to fulfil their tasks under this Regulation. In particular, national competent authorities shall have a sufficient number of personnel permanently available whose competences and expertise shall include an in-depth understanding of artificial intelligence technologies, data and data computing, fundamental rights, health and safety risks and knowledge of existing standards and legal requirements.

Amendment

4. Member States shall ensure that national competent authorities are provided with adequate financial, **technical** and human resources to fulfil their tasks under this Regulation. In particular, national competent authorities shall have a sufficient number of personnel permanently available whose competences and expertise shall include an in-depth understanding of artificial intelligence technologies, data and data computing, fundamental rights, health and safety risks and knowledge of existing standards and legal requirements.

Or. en

Amendment 2573

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation Article 59 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. National supervisory authorities shall satisfy the minimum cybersecurity requirements set out for public

administration entities identified as operators of essential services pursuant to Directive XXXX/XX on measures for a high common level of cybersecurity across the Union (NIS 2), repealing Directive (EU) 2016/1148.

Or. en

Amendment 2574

Kosma Złotowski, Eugen Jurzyca, Patryk Jaki, Vincenzo Sofo, Adam Bielan

Proposal for a regulation

Article 59 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. National competent authorities shall satisfy the minimum cybersecurity requirements set out for public administration entities identified as operators of essential services pursuant to Directive (...) on measures for a high common level of cybersecurity across the Union, repealing Directive (EU) 2016/1148.

Or. en

Amendment 2575

Kosma Złotowski, Eugen Jurzyca, Patryk Jaki, Vincenzo Sofo, Adam Bielan

Proposal for a regulation

Article 59 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4 b. Any information and documentation obtained by the national competent authorities pursuant to the provisions of this Article shall be treated in compliance with the confidentiality obligations set out in Article 70.

Or. en

Amendment 2576

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 59 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4 b. Any information and documentation obtained by the national supervisory authorities pursuant to the provisions of this Article shall be treated in compliance with the confidentiality obligations set out in Article 70.

Or. en

Amendment 2577

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 59 – paragraph 5

Text proposed by the Commission

Amendment

5. Member States shall report to the Commission on an annual basis on the status of the financial and human resources of the national competent authorities with **an** assessment of their adequacy. The Commission shall transmit that information to the Board for discussion and possible recommendations.

5. Member States shall report to the Commission on an annual basis on the status of the financial and human resources of the national competent authorities with **a qualified** assessment of their adequacy. The Commission shall transmit that information to the Board for discussion and possible recommendations **and formally accept or reject the assessments. Where an assessment is rejected, a new assessment shall be requested.**

Or. en

Amendment 2578

Jorge Buxadé Villalba

Proposal for a regulation

Article 59 – paragraph 5

Text proposed by the Commission

5. Member States shall report to the Commission on an annual basis on the status of the financial and human resources of the national competent authorities with an assessment of their adequacy. *The Commission shall transmit that information to the Board for discussion and possible recommendations.*

Amendment

5. Member States shall report to the Commission on an annual basis on the status of the financial and human resources of the national competent authorities with an assessment of their adequacy.

Or, es

Amendment 2579

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation

Article 59 – paragraph 5

Text proposed by the Commission

5. Member States shall report to the Commission on an annual basis on the status of the financial and human resources of the national competent authorities *with an assessment of their adequacy*. The Commission shall transmit that information to the Board for discussion and possible recommendations.

Amendment

5. Member States shall report to the Commission on an annual basis on the status of the financial and human resources of the national competent authorities. The Commission shall transmit that information to the Board for discussion and possible recommendations.

Or. fr

Amendment 2580

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 59 – paragraph 5

Text proposed by the Commission

5. Member States shall report to the Commission on an annual basis on the status of the financial and human resources

Amendment

5. Member States shall report to ***the Board and*** the Commission on an annual basis on the status of the financial and

of the national competent authorities with an assessment of their adequacy. The Commission shall transmit that information to the Board for discussion and possible recommendations.

human resources of the national competent authorities with an assessment of their adequacy. The Commission shall transmit that information to the Board for discussion and possible recommendations.

Or. en

Amendment 2581

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituța

Proposal for a regulation

Article 59 – paragraph 5

Text proposed by the Commission

5. Member States shall report to the Commission on an annual basis on the status of the financial and human resources of the national competent authorities with an assessment of their adequacy. The Commission shall transmit that information to the **Board** for discussion and possible recommendations.

Amendment

5. Member States shall report to the Commission on an annual basis on the status of the financial and human resources of the national competent authorities with an assessment of their adequacy. The Commission shall transmit that information to the **AI Office** for discussion and possible recommendations.

Or. en

Amendment 2582

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 59 – paragraph 5

Text proposed by the Commission

5. Member States shall report to the Commission on an annual basis on the status of the financial and human resources of the national **competent authorities** with an assessment of their adequacy. The Commission shall transmit that information to the Board for discussion and possible recommendations.

Amendment

5. Member States shall report to the Commission on an annual basis on the status of the financial and human resources of the national **supervisory authority** with an assessment of their adequacy. The Commission shall transmit that information to the Board for discussion and possible recommendations.

Or. en

Amendment 2583

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 59 – paragraph 6

Text proposed by the Commission

6. The Commission shall facilitate the exchange of experience between national competent authorities.

Amendment

6. The Commission **and the Board** shall facilitate the exchange of experience between national competent authorities.

Or. en

Amendment 2584

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 59 – paragraph 6

Text proposed by the Commission

6. The Commission shall facilitate the exchange of experience between national competent authorities.

Amendment

6. The Commission **and the board** shall facilitate the exchange of experience between national competent authorities.

Or. en

Amendment 2585

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 59 – paragraph 6

Text proposed by the Commission

6. The Commission shall facilitate the exchange of experience between national **competent** authorities.

Amendment

6. The Commission **and board** shall facilitate the exchange of experience between national **supervisory** authorities.

Or. en

Amendment 2586

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation Article 59 – paragraph 6

Text proposed by the Commission

6. The **Commission** shall facilitate the exchange of experience between national competent authorities.

Amendment

6. The **Board** shall facilitate the exchange of experience between national competent authorities.

Or. en

Amendment 2587

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation Article 59 – paragraph 7

Text proposed by the Commission

7. National competent authorities may provide guidance and advice on the implementation of this Regulation, including to small-scale providers. Whenever national competent authorities intend to provide guidance and advice with regard to an AI system in areas covered by other Union legislation, the competent national authorities under that Union legislation shall be consulted, as appropriate. Member States *may* also establish one central contact point for communication with operators.

Amendment

7. National competent authorities may provide guidance and advice on the implementation of this Regulation, including to small-scale providers. Whenever national competent authorities intend to provide guidance and advice with regard to an AI system in areas covered by other Union legislation, the competent national authorities under that Union legislation shall be consulted, as appropriate. Member States *shall* also establish one central contact point for communication with operators. ***In addition, the central contact point of each Member State should be contactable through electronic communications means.***

Or. en

Amendment 2588

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation
Article 59 – paragraph 7

Text proposed by the Commission

7. National competent authorities may provide guidance and advice on the implementation of this Regulation, including to small-scale providers. Whenever national competent authorities intend to provide guidance and advice with regard to an AI system in areas covered by other Union legislation, the competent national authorities under that Union legislation ***shall be consulted***, as appropriate. ***Member States may also establish one central contact point for communication with operators.***

Amendment

7. National competent authorities may provide guidance and advice on the implementation of this Regulation, including to small-scale providers. Whenever national competent authorities intend to provide guidance and advice with regard to an AI system in areas covered by other Union legislation, the ***guidance shall be drafted in consultation with the*** competent national authorities under that Union legislation, as appropriate.

Or. en

Amendment 2589

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation
Article 59 – paragraph 7

Text proposed by the Commission

7. National competent authorities may provide guidance and advice on the implementation of this Regulation, including to ***small-scale providers***. Whenever national competent authorities intend to provide guidance and advice with regard to an AI system in areas covered by other Union legislation, the competent national authorities under that Union legislation shall be consulted, as appropriate. Member States ***may*** also establish one central contact point for communication with operators.

Amendment

7. National competent authorities may provide guidance and advice on the implementation of this Regulation, including to ***SMEs and start-ups***. Whenever national competent authorities intend to provide guidance and advice with regard to an AI system in areas covered by other Union legislation, the competent national authorities under that Union legislation shall be consulted, as appropriate. Member States ***shall*** also establish one central contact point for communication with operators ***and other stakeholders***.

Amendment 2590

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation Article 59 – paragraph 7

Text proposed by the Commission

7. **National competent authorities** may provide guidance and advice on the implementation of this Regulation, including to small-scale providers. Whenever **national competent authorities intend** to provide guidance and advice with regard to an AI system in areas covered by other Union legislation, the competent national authorities under that Union legislation shall be consulted, as appropriate. Member States may also establish one central contact point for communication with operators.

Amendment

7. **The Board** may provide guidance and advice on the implementation of this Regulation, including to small-scale providers. Whenever **the Board intends** to provide guidance and advice with regard to an AI system in areas covered by other Union legislation, the competent national authorities under that Union legislation shall be consulted, as appropriate. Member States may also establish one central contact point for communication with operators.

Amendment 2591

Jörgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation Article 59 – paragraph 7

Text proposed by the Commission

7. National competent authorities may provide guidance and advice on the implementation of this Regulation, including to small-scale providers. Whenever national competent authorities intend to provide guidance and advice with regard to an AI system in areas covered by other Union legislation, the competent national authorities under that Union legislation shall be consulted, as appropriate. Member States **may** also

Amendment

7. National competent authorities may provide guidance and advice on the implementation of this Regulation, including to small-scale providers. Whenever national competent authorities intend to provide guidance and advice with regard to an AI system in areas covered by other Union legislation, the competent national authorities under that Union legislation shall be consulted, as appropriate. Member States **shall** also

establish one central contact point for communication with operators.

establish one central contact point for communication with operators.

Or. en

Amendment 2592

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 59 – paragraph 7

Text proposed by the Commission

7. National **competent** authorities may provide guidance and advice on the implementation of this Regulation, including to **small-scale providers**. Whenever national **competent** authorities intend to provide guidance and advice with regard to an AI system in areas covered by other Union legislation, the competent **national** authorities under that Union legislation shall be consulted, as appropriate. **Member States may also establish one central contact point for communication with operators.**

Amendment

7. National **supervisory** authorities may provide guidance and advice on the implementation of this Regulation, including to **SMEs and start-ups, as long as it is not in contradiction with the Board's or the Commission's guidance and advice**. Whenever national **supervisory** authorities intend to provide guidance and advice with regard to an AI system in areas covered by other Union legislation, the competent authorities under that Union legislation shall be consulted, as appropriate.

Or. en

Amendment 2593

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 59 – paragraph 8

Text proposed by the Commission

8. When Union institutions, agencies and bodies fall within the scope of this Regulation, the European Data Protection Supervisor shall act as the competent authority for their supervision.

Amendment

8. When Union institutions, agencies and bodies fall within the scope of this Regulation, the European Data Protection Supervisor shall act as the competent authority for their supervision **and coordination**.

Or. en

Amendment 2594

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 59 – paragraph 8

Text proposed by the Commission

8. ***When Union institutions, agencies and bodies fall within the scope of this Regulation,*** the European Data Protection Supervisor shall act as the competent authority for ***their*** supervision.

Amendment

8. The European Data Protection Supervisor shall act as the competent authority for ***the supervision of Union institutions, agencies and bodies.***

Or. en

Amendment 2595

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 59 a (new)

Text proposed by the Commission

Amendment

Article 59 a

Independent national supervisory authority

1. Each Member State shall establish or designate a single national supervisory authority within 3 months after the entering into force of this Regulation.

2. The national supervisory authority shall act as the lead authority and be responsible for ensuring the effective coordination between the national competent authorities regarding the implementation of this Regulation. It shall represent its Member State on the Board, in accordance with Article 57.

3. Each national supervisory authority shall act with complete independence in performing its tasks and exercising its powers in accordance with this

Regulation.

4. The members of each national supervisory authority shall, in the performance of their tasks and exercise of their powers in accordance with this Regulation, remain free from external influence, whether direct or indirect, and shall neither seek nor take instructions from any other body.

5. Members of each national supervisory authority shall refrain from any action incompatible with their duties and shall not, during their term of office, engage in any incompatible occupation, whether gainful or not.

6. Each Member State shall ensure that each national supervisory authority is provided with the human, technical and financial resources, premises and infrastructure necessary for the effective performance of its tasks and exercise of its powers, including those to be carried out in the context of mutual assistance, cooperation and participation in the Board.

7. Each Member State shall ensure that each national supervisory authority chooses and has its own staff which shall be subject to the exclusive direction of the member or members of the supervisory authority concerned.

8. Each Member State shall ensure that each national supervisory authority is subject to financial control which does not affect its independence and that it has separate, public annual budgets, which may be part of the overall state or national budget.

9. Each member of the national supervisory authority shall have the qualifications, experience and skills, in particular an in-depth understanding of artificial intelligence technologies, data and data computing, personal data protection, fundamental rights, health and safety risks and knowledge of existing standards and legal requirements, to

perform their duties and exercise their powers.

10. The duties of a member of the national supervisory authority shall end in the event of the expiry of the term of office, resignation or compulsory retirement, in accordance with the law of the Member State concerned.

11. A member of the national supervisory authority shall be dismissed only in cases of serious misconduct or if the member no longer fulfils the conditions required for the performance of the duties.

12. Member States shall make publicly available and communicate to the Commission and the Board, the national supervisory designation, and information on how it can be contacted, by [three months after the entry into force of this Regulation].

13. For the purposes of the consistent application of the Regulation and for reasons of necessary cooperation with the market surveillance authorities, each national supervisory authority shall have at least one staff member from the market surveillance authority posted as a liaison officer to the national supervisory authority.

Or. en

Amendment 2596

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 59 a (new)

Text proposed by the Commission

Amendment

Article 59 a

Consistency mechanism for cross-border cases

1. Each national supervisory authority shall perform the tasks assigned to and

the exercise of the powers conferred on it in accordance with this Regulation on the territory of its own Member State.

2. The national supervisory authority of the Member State where the provider's place of central administration in the Union is present or established shall be competent to act as lead national supervisory authority for a cross-border case that involves an AI-system that falls under this Regulation and that is being placed on the market or put into service in two or more Member States.

3. In order to contribute to the consistent application of this Regulation throughout the Union, national supervisory authorities shall cooperate with each other and, where relevant, with the Commission and the Board, through the consistency mechanism as set out in the following paragraphs.

4. The lead national supervisory authority shall cooperate with the other supervisory authorities in an endeavour to reach consensus. The lead national supervisory authority and the other national supervisory authorities concerned shall exchange all relevant information with each other, provide mutual assistance and execute joint operations.

5. The lead national supervisory authority shall, without delay, communicate the relevant information on the matter to the other national supervisory authorities concerned. It shall without delay submit a draft decision to the other national supervisory authorities concerned for their opinion and take due account of their views.

6. In case the Board, after being notified by another national supervisory authority, finds that the lead national supervisory authority did not use its investigative, corrective or authorisation power despite being notified by another national supervisory authority or came to a decision that is clearly incompatible with provisions of this Regulation, other

national supervisory authorities may address the case on their own, taking into account the procedure described in paragraph 3 or request that the Board issue a binding decision.

Or. en

Amendment 2597

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituţa

Proposal for a regulation

Article 59 a (new)

Text proposed by the Commission

Amendment

Article 59 a

Cooperation mechanism between national supervisory authorities in cases involving two or more Member States

1. Each national supervisory authority shall perform its tasks and powers conferred on in accordance with this Regulation on the territory of its own Member State.

2. In the event of a case involving two or more national supervisory authorities, the national supervisory authority of the Member State where the provider or the user of the concerned AI system is established or where the authorised representative is appointed shall be considered to be the lead national supervisory authority.

3. In the cases referred to in paragraph 2, the relevant national supervisory authorities shall cooperate and exchange all relevant information in due time. National supervisory authorities shall cooperate in order to reach a consensus.

4. In the case of a serious disagreement between two or more national supervisory authorities, the national supervisory authorities shall notify the AI Office and communicate without delay all relevant

information related to the case to the AI Office.

5. The AI Office shall, within three months of receipt of the notification referred to in paragraph 4, issue a binding decision to the national supervisory authorities.

Or. en

Amendment 2598

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 59 a (new)

Text proposed by the Commission

Amendment

Article 59 a

Independence

1. Each supervisory authority shall act with complete independence in performing its tasks and exercising its powers in accordance with this Regulation.

2. The member or members of each supervisory authority shall, in the performance of their tasks and exercise of their powers in accordance with this Regulation, remain free from external influence, whether direct or indirect, and shall neither seek nor take instructions from anybody.

3. The member or members of each supervisory authority shall refrain from any action incompatible with their duties and shall not, during their term of office, engage in any incompatible occupation, whether gainful or not.

4. Each Member State shall ensure that each supervisory authority chooses and has its own staff which shall be subject to the exclusive direction of the member or members of the supervisory authority

concerned.

5. Each Member State shall ensure that each supervisory authority is subject to financial control which does not affect its independence and that it has separate, public annual budgets, which may be part of the overall state or national budget.

Or. en

Amendment 2599

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 59 b (new)

Text proposed by the Commission

Amendment

Article 59 b

Powers

1. Each supervisory authority shall have all of the following investigative powers:

(a) to order the provider or deployer of an AI system, and, where applicable, their representative, to provide any information it requires for the performance of its tasks;

(b) to carry out investigations of providers or deployers of AI systems in the form of

(i) audits;

(ii) reviews of fundamental rights impact assessments;

(iii) reviews of certifications of conformity;

(iv) any other investigation to assess compliance with this Regulation;

(c) to carry out a review on certifications issued pursuant to Article 44;

(d) to notify the provider or deployer of an AI system of an alleged infringement of this Regulation;

(e) to obtain, from the provider or deployer of an AI system, access to all data and to all information necessary for the performance of its tasks;

(f) to obtain access to any premises of the provider or deployer of an AI system, including to any data processing equipment and means, in accordance with Union or Member State procedural law.

2. Each supervisory authority shall have all of the following corrective powers:

(a) to issue warnings to a provider or deployer of an AI system that the use or reasonably foreseeable misuse of that system is likely to infringe provisions of this Regulation;

(b) to issue reprimands to a provider or deployer of an AI system where they have infringed provisions of this Regulation;

(c) to order the provider or deployer of an AI system to comply with a subject's request to exercise his or her rights pursuant to this Regulation;

(d) to order the provider or deployer of an AI system to bring operations into compliance with the provisions of this Regulation, where appropriate, in a specified manner and within a specified period;

(e) to order the controller to communicate an infringement of this Regulation to the affected subject;

(f) to impose a temporary or definitive limitation including a ban of the operation of an AI system;

(g) to order the erasure of all data and of the related logic underlying automated processing, which had been generated as part of the development, training, or operation of an AI system that was subsequently found in breach of this Regulation;

(h) to withdraw a certification or to order the certification body to withdraw a certification issued pursuant to Articles

44, or to order the certification body not to issue certification if the requirements for the certification are not or are no longer met;

(i) to impose an administrative fine pursuant to Article 71, in addition to, or instead of measures referred to in this paragraph, depending on the circumstances of each individual case;

(j) to order the suspension of the placing on the market of an AI system or of its export to a third country or to an international organisation.

3. The exercise of the powers conferred on the supervisory authority pursuant to this Article shall be subject to appropriate safeguards, including effective judicial remedy and due process, set out in Union and Member State law in accordance with the Charter.

4. Each Member State shall provide by law that its supervisory authority shall have the power to bring infringements of this Regulation to the attention of the judicial authorities and where appropriate, to commence or engage otherwise in legal proceedings, in order to enforce the provisions of this Regulation.

5. Each Member State may provide by law that its supervisory authority shall have additional powers to those referred to in paragraphs 1, 2 and 3. The exercise of those powers shall not impair the effective operation of this Regulation.

Or. en

Amendment 2600

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

**Proposal for a regulation
Article 59 b (new)**

Text proposed by the Commission

Amendment

Article 59 b

Tasks of the national supervisory authority

1. Without prejudice to other tasks set out under this Regulation, each national supervisory authority shall on the territory of its Member State:

(a) monitor and enforce the application of this Regulation, in particular as to the upholding of the principles of article 4a, fundamental rights of individuals and the Union values, as enshrined in Article 2 TEU;

(b) promote public awareness and understanding of the risks, rules, safeguards and rights in relation to use of AI systems;

(c) promote the awareness of operators of their obligations under this Regulation;

(d) monitor operators' data governance and management practices, in particular in relation to training, validation and testing datasets;

(e) upon request, provide information to affected persons concerning the exercise of their rights under this Regulation and, if appropriate, cooperate with the supervisory authorities in other Member States to that end;

(f) handle complaints lodged by an affected person, organisation or association in accordance with Articles 68a and 68b, and investigate, to the extent appropriate, the subject matter of the complaint and inform the complainant of the progress and the outcome of the investigation within a reasonable period, in particular if further investigation or coordination with another national supervisory authority or national competent authority is necessary;

(g) assist small-scale providers and users in accordance with Article 55;

(h) cooperate with, including by sharing information and providing mutual

assistance to, other national supervisory authorities and national competent authorities with a view to ensuring the consistency of application and enforcement of this Regulation;

(i) conduct investigations on the application of this Regulation, including on the basis of information received from another national supervisory authority, national competent authority or other public authority;

(j) cooperate with other competent authorities in their fields of competence, as necessary;

(k) monitor relevant developments, insofar as they have an impact on the protection of fundamental rights and the values enshrined in Article 2 TEU, in particular the development of technologies and commercial practices;

(l) contribute to the activities of the Board;

2. National supervisory authorities may establish regulatory sandboxes in accordance with Article 53.

3. Each national supervisory authority shall facilitate the submission of complaints referred to in point (f) of paragraph 1 by measures such as a complaint submission form which can also be completed electronically, without excluding other means of communication.

4. The performance of the tasks of each national supervisory authority shall be free of charge for the affected person.

Or. en

Amendment 2601

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

**Proposal for a regulation
Article 59 c (new)**

Article 59 c

Cooperation and consistency

In order to contribute to the consistent application of this Regulation throughout the Union, the national supervisory authorities shall cooperate with each other and, where relevant, with the market surveillance authorities and the Commission, in order to reach consensus.

Or. en

Justification

To be part of a new Chapter 3 'Cooperation, consistency and dispute resolutions between national supervisory authorities'

Amendment 2602

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

**Proposal for a regulation
Article 59 d (new)**

Article 59 d

Cooperation mechanism in cases involving two or more Member States

- 1. Each national supervisory authority shall perform its tasks and powers conferred to it in accordance with this Regulation, on the territory of its own Member State.***
- 2. In the event of a case involving two or more national supervisory authorities, the national supervisory authority of the Member State where the provider or the user of the concerned AI system is established, or where the legal representative resides, shall be considered to be the lead national supervisory authority.***

3. In case it is not clear which national supervisory authority should act as the lead authority pursuant to paragraph 2, the Board shall issue a binding decision according to Article 59e.

4. In cases referred to in paragraph 2, the relevant national supervisory authorities shall cooperate and exchange all relevant information in due time.

5. The national supervisory authorities shall, where appropriate, conduct joint operations, including joint investigations, in which members or staff of the national supervisory authorities of other Member States are involved.

6. In case of a serious disagreement between two or more national supervisory authorities, the national supervisory authorities shall notify the Board and communicate without delay all relevant information related to the case to the Board for a binding decision.

Or. en

Amendment 2603

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 59 e (new)

Text proposed by the Commission

Amendment

Article 59 e

Binding decisions by the Board

1. In order to ensure the correct and consistent application of this Regulation in individual cases, the Board shall adopt a binding decision in the following cases:

(a) where there are conflicting views on which of the national supervisory authorities concerned would be the lead authority pursuant to Article 59c;

(b) where, in a case referred to in Article 59c(4), there is a serious disagreement between national supervisory authorities concerned regarding a matter involving two or more Member States;

(c) where, in a case referred to in Article 67a, a national supervisory authority of a Member State finds that although an AI system is in compliance with this Regulation, it presents a risk to the compliance with obligations under Union or national law intended to protect fundamental rights, the principles of Article 4a, the values as enshrined in Article 2 TEU, the environment, or to other aspects of public interest protection;

2. The decisions referred to in paragraph 1, point (a) shall be adopted within one week from the referral of the subject-matter, by a two-thirds majority of the members of the Board.

3. The decisions referred to in paragraph 1, points (b) and (c) shall be adopted within one month from the referral of the subject-matter, by a two-thirds majority of the members of the Board. That period may be extended by a further month on account of the complexity of the subject-matter. The decision referred to in paragraph 1, points (b) and (c) shall be reasoned and addressed to the lead national supervisory authority and all the national supervisory authorities concerned and be binding on them.

4. Where the Board has been unable to adopt a decision within the periods referred to in paragraph 3, it shall adopt its decision within two weeks following the expiration of the second month referred to in paragraph 2 by a simple majority of the members of the Board. Where the members of the Board are split, the decision shall be adopted by the vote of its Chair.

5. The national supervisory authorities concerned shall not adopt a decision on the subject matter submitted to the Board under paragraph 1, points (b) and (c)

during the periods referred to in paragraphs 3 and 4.

6. The Chair of the Board shall notify, without undue delay, the decision referred to in paragraph 1 to the national supervisory authorities concerned. It shall also inform the Commission thereof. The decision shall be published on the website of the Board without delay after the national supervisory authorities have been notified.

Or. en

Amendment 2604

Rob Rooken

on behalf of the ECR Group

Proposal for a regulation

Title VI – Chapter 2 a (new)

Text proposed by the Commission

Amendment

2 a *Effective remedies*

Create a comprehensive remedies framework for affected persons, including a right for individuals to bring complaints, a right to bring collective action; and a right to information.

Or. en

Amendment 2605

Rob Rooken

on behalf of the ECR Group

Proposal for a regulation

Title VI – Chapter 2 b (new)

Text proposed by the Commission

Amendment

2 b *The right to object to the use of automated decision-making in high-risk areas*

Individuals shall have the right not to be subject to a decision based solely on automated processing by high-risk AI systems in Annex III which significantly affects them.

Or. en

Amendment 2606

Jörgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation

Title VII

Text proposed by the Commission

Amendment

VII EU DATABASE FOR STAND-ALONE HIGH-RISK AI SYSTEMS

deleted

60 EU database for stand-alone high-risk AI systems

1. The Commission shall, in collaboration with the Member States, set up and maintain a EU database containing information referred to in paragraph 2 concerning high-risk AI systems referred to in Article 6(2) which are registered in accordance with Article 51.

2. The data listed in Annex VIII shall be entered into the EU database by the providers. The Commission shall provide them with technical and administrative support.

3. Information contained in the EU database shall be accessible to the public.

4. The EU database shall contain personal data only insofar as necessary for collecting and processing information in accordance with this Regulation. That information shall include the names and contact details of natural persons who are responsible for registering the system and have the legal authority to represent the provider.

5. The Commission shall be the controller of the EU database. It shall also ensure to

providers adequate technical and administrative support.

Or. en

Justification

This is unnecessarily bureaucratic and creates no added value in terms of safety and trustworthiness of AI systems.

Amendment 2607

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Title VII

Text proposed by the Commission

Amendment

EU DATABASE FOR STAND-ALONE
HIGH-RISK AI SYSTEMS

EU DATABASE FOR STAND-ALONE
AI SYSTEMS

Or. en

Amendment 2608

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Title VII

Text proposed by the Commission

Amendment

EU DATABASE FOR **STAND-ALONE**
HIGH-RISK AI SYSTEMS

EU DATABASE FOR HIGH-RISK AI
SYSTEMS

Or. en

Amendment 2609

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation
Title VII

Text proposed by the Commission

Amendment

EU DATABASE FOR ***STAND-ALONE
HIGH-RISK*** AI SYSTEMS

EU DATABASE FOR AI SYSTEMS

Or. en

Amendment 2610

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 60 – title

Text proposed by the Commission

Amendment

60 EU database for stand-alone high-risk AI systems

60 EU database for stand-alone high-risk, ***general purpose and certain*** AI systems, ***uses thereof, and uses of AI systems by public authorities*** AI systems

Or. en

Amendment 2611

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 60 – title

Text proposed by the Commission

Amendment

EU database for stand-alone ***high-risk*** AI systems

EU database for stand-alone AI systems

Or. en

Amendment 2612

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 60 – title

Text proposed by the Commission

Amendment

EU database for *stand-alone* high-risk AI systems

EU database for high-risk AI systems

Or. en

Amendment 2613

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 60 – title

Text proposed by the Commission

Amendment

EU database for *stand-alone high-risk* AI systems

EU database for AI systems

Or. en

Amendment 2614

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 60 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall, in collaboration with the Member States, set up and maintain a EU database containing information referred to in paragraph 2 concerning high-risk AI systems referred to in Article 6(2) which are registered in accordance with Article 51.

1. The Commission shall, in collaboration with the Member States, set up and maintain a EU database containing information referred to in paragraph 2 concerning *AI systems which are registered in accordance with Article 51 and general purpose AI systems, in accordance with Article xx:*

a. high-risk AI systems referred to in Article 6(2) which are registered in accordance with Article 51(1);

b. any AI systems referred to in Article 52 paragraphs 1b and 2 which are registered in accordance with Article 51(1);

c. any uses of high-risk AI systems referred to in Article 6(2) which are registered in accordance with Article

51(2);

d. any uses of AI systems referred to in Article 52 paragraph 1b and 2 which are registered in accordance with Article 51(2);

e. any uses of AI systems by or on behalf of public authorities registered in accordance with Article 51(3).

Or. en

Amendment 2615

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation Article 60 – paragraph 1

Text proposed by the Commission

1. The Commission shall, in collaboration with the Member States, set up and maintain a EU database containing information referred to in paragraph 2 concerning high-risk AI systems ***referred to in Article 6(2)*** which are registered in accordance with Article 51.

Amendment

1. The Commission shall, in collaboration with the Member States, set up and maintain a EU database containing information referred to in paragraph 2 concerning high-risk AI systems ***in one of the areas listed in Annex III*** which are registered in accordance with Article 51 ***and their uses by public authorities and Union institutions, bodies, offices or agencies or on their behalf.***

Or. en

Amendment 2616

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation Article 60 – paragraph 1

Text proposed by the Commission

1. The Commission shall, in collaboration with the Member States, set up and maintain a EU database containing information referred to in paragraph 2

Amendment

1. The Commission shall, in collaboration with the Member States ***and by building on the existing Business Registries in line with Directive***

concerning high-risk AI systems *referred to in Article 6(2)* which are registered in accordance with Article 51.

2012/17/EU, set up and maintain a EU database containing information referred to in paragraph 2 concerning high-risk AI systems *listed in Annex III* which are registered in accordance with Article 51.

Or. en

Amendment 2617

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation Article 60 – paragraph 1

Text proposed by the Commission

1. The Commission shall, in collaboration with the Member States, set up and maintain a EU database containing information referred to in paragraph 2 concerning *high-risk* AI systems *referred to in Article 6(2)* which are registered in accordance with Article 51.

Amendment

1. The Commission shall, in collaboration with the Member States, set up and maintain a EU database containing information referred to in paragraph 2 *and 2a* concerning AI systems which are registered in accordance with Article 51, *as well as users of any AI systems by public authorities and Union institutions, bodies, offices or agencies.*

Or. en

Amendment 2618

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation Article 60 – paragraph 1

Text proposed by the Commission

1. The Commission shall, in collaboration with the Member States, set up and maintain a EU database containing information referred to in paragraph 2 concerning high-risk AI systems *referred to in Article 6(2)* which are registered in accordance with Article 51.

Amendment

1. The Commission shall, in collaboration with the Member States, set up and maintain a *public* EU database containing information referred to in paragraph 2 concerning high-risk AI systems which are registered in accordance with Article 51.

Amendment 2619

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 60 – paragraph 2

Text proposed by the Commission

2. The *data listed in Annex VIII* shall *be entered into the EU database by the providers. The Commission shall provide them with technical and administrative support.*

Amendment

2. The *post-market monitoring system* shall *actively and systematically collect, document and analyse relevant data provided by users or collected through other sources, to the extent such data are readily accessible to the provider and taking into account the limits resulting from data protection, copyright and competition law, on the performance of high-risk AI systems throughout their lifetime, and allow the provider to evaluate the continuous compliance of AI systems with the requirements set out in Title III, Chapter 2.*

Or. en

Amendment 2620

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 60 – paragraph 2

Text proposed by the Commission

2. The data listed in Annex VIII shall be entered into the EU database by the providers. *The Commission shall provide them with technical and administrative support.*

Amendment

2. *The Commission shall provide providers and users entering data into the EU database with technical and administrative support. The following information should be included in the EU database:*

(a) For registrations according to paragraph 1(a) and 1(b), the data listed in Annex VIII point 1 shall be entered into the EU database by the providers.

(b) For registrations according to paragraph 1(c) , 1(d) and 1(e), the data listed in Annex VIII point 2 shall be entered into the EU database by the users.

Or. en

Amendment 2621

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 60 – paragraph 2

Text proposed by the Commission

2. The data listed in Annex VIII shall be entered into the EU database by the providers. The Commission shall provide them with technical and administrative support.

Amendment

2. The data listed in Annex VIII shall be entered into the EU database by the providers, *and, where relevant, deployers*. The Commission shall provide them with technical and administrative support.

Or. en

Amendment 2622

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation
Article 60 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The data listed in Annex VIII, point (2), shall be entered into the EU database by the users, including those who are or who act on behalf of public authorities or Union institutions, bodies, offices or agencies. The Commission shall provide them with technical and administrative support.

Or. en

Amendment 2623

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation Article 60 – paragraph 3

Text proposed by the Commission

3. Information contained in the EU database shall be accessible to the public.

Amendment

3. Information contained in the EU database shall be ***freely available and*** accessible to the public, ***comply with the accessibility requirements of Annex I to Directive 2019/882, and be user-friendly, navigable, and machine-readable, containing structured digital data based on a standardised protocol.***

Or. en

Amendment 2624

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation Article 60 – paragraph 3

Text proposed by the Commission

3. Information contained in ***the EU database*** shall be ***accessible*** to the public.

Amendment

3. ***The EU database and the*** information contained in ***it*** shall be ***freely available*** to the public, ***comply with the accessibility requirements of Annex I to Directive 2019/882, and be user-friendly, navigable, and machine-readable, containing structured digital data based on a standardised protocol.***

Or. en

Amendment 2625

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation Article 60 – paragraph 3

Text proposed by the Commission

Amendment

3. Information contained in the EU database shall be accessible to the public.

3. Information contained in the EU database shall be accessible to the public, ***user-friendly and machine-readable***.

Or. en

Amendment 2626

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 60 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Users should register deployments of high-risk AI systems into the EU database before putting them into use. The users should include information in the database, not limited to, the identity of the provider and the user, the context of the purpose and of deployment, the designation of impacted persons, and the results of the impact assessment.

Or. en

Amendment 2627

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 60 – paragraph 4

Text proposed by the Commission

Amendment

4. The EU database shall contain personal data only insofar as necessary for collecting and processing information in accordance with this Regulation. That information shall include the names and contact details of natural persons who are responsible for registering the system and have the legal authority to represent the provider.

4. The EU database shall contain personal data only insofar as necessary for collecting and processing information in accordance with this Regulation. That information shall include the names and contact details of natural persons who are responsible for registering the system and have the legal authority to represent the provider ***or the user, if the user is a public***

authority or a Union institution, body, office or agency or a user acting on their behalf.

Or. en

Amendment 2628

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 60 – paragraph 4

Text proposed by the Commission

4. The EU database shall contain personal data only insofar as necessary for collecting and processing information in accordance with this Regulation. That information shall include the names and contact details of natural persons who are responsible for registering the system and have the legal authority to represent the provider.

Amendment

4. The EU database shall contain personal data only insofar as necessary for collecting and processing information in accordance with this Regulation. That information shall include the names and contact details of natural persons who are responsible for registering the system and have the legal authority to represent the provider, *or the user*.

Or. en

Amendment 2629

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 60 – paragraph 4

Text proposed by the Commission

4. The EU database shall contain personal data only insofar as necessary for collecting and processing information in accordance with this Regulation. That information shall include the names and contact details of natural persons who are responsible for registering the system and have the legal authority to represent the provider.

Amendment

4. The EU database shall contain personal data only insofar as necessary for collecting and processing information in accordance with this Regulation. That information shall include the names and contact details of natural persons who are responsible for registering the system and have the legal authority to represent the provider *or the user*.

Or. en

Amendment 2630

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 60 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The EU database shall not contain any confidential business information or trade secrets of a natural or legal person, including source code.

Or. en

Amendment 2631

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 60 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The EU database shall not contain any confidential business information or trade secrets of a natural or legal person, including source code.

Or. en

Amendment 2632

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 60 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be the controller of the EU database. It shall also ensure to providers adequate technical and administrative support.

5. The Commission shall be the controller of the EU database. It shall also ensure to providers **and users** adequate technical and administrative support, **in particular in relation to registrations according to paragraph 1(e).**

Amendment 2633

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

**Proposal for a regulation
Article 60 – paragraph 5**

Text proposed by the Commission

5. The Commission shall be the controller of the EU database. ***It shall also ensure to providers adequate technical and administrative support.***

Amendment

5. The Commission shall be the controller of the EU database.

Or. en

Amendment 2634

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

**Proposal for a regulation
Article 60 – paragraph 5**

Text proposed by the Commission

5. The Commission shall be the controller of the EU database. It shall also ensure to providers adequate technical and administrative support.

Amendment

5. The Commission shall be the controller of the EU database. It shall also ensure to providers ***and, where relevant, deployers,*** adequate technical and administrative support.

Or. en

Amendment 2635

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Vincenzo Sofo, Adam Bielan

**Proposal for a regulation
Article 60 – paragraph 5 a (new)**

Text proposed by the Commission

Amendment

5 a. Any information and documentation obtained by the

Commission and Member States pursuant to the provisions of this Article shall be treated in compliance with the confidentiality obligations set out in Article 70.

Or. en

Amendment 2636
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 60 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. *Any information and documentation obtained by the Commission and Member States pursuant to the provisions of this Article shall be treated in compliance with the confidentiality obligations set out in Article 70.*

Or. en

Amendment 2637
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 60 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. *The database shall comply with the accessibility requirements of Annex I to Directive 2019/882.*

Or. en

Amendment 2638
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 60 a (new)

Text proposed by the Commission

Amendment

Article 60 a

Systemic transparency and monitoring of societal implications

1. The Commission shall, in collaboration with the Member States, set up and maintain a relational database of digital and AI systems that interact with high-risk or general purpose AI systems or with AI systems with transparency obligations. Among others, the relational database shall include digital and AI systems whose input directly or indirectly come from a high-risk or general purpose AI system or whose output directly or indirectly is taken as input by a high-risk or general purpose AI system.

2. For each entry in the EU database referred to in Article 60, the provider shall enter the upstream and downstream digital and AI systems into the relational database, as well as, to the extent it is possible, the digital and AI systems upstream of the upstream AI systems and the digital and AI systems downstream of the downstream AI systems.

3. The European AI Board and the Commission shall regularly assess the relational map to facilitate incident response and to identify AI systems ('Societally Significant AI systems') whose output is used as input into many downstream digital and AI systems. 4. The European AI Board and the Commission shall develop a Code of Conduct for Societally Significant AI Systems.

Or. en

Amendment 2639

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 61 – paragraph 1

Text proposed by the Commission

1. Providers shall establish and document a post-market monitoring system in a manner that is proportionate to the ***nature of the artificial intelligence technologies and*** the risks of the high-risk AI system.

Amendment

1. Providers shall establish and document a post-market monitoring system in a manner that is proportionate to the the risks of the high-risk AI system.

Or. en

Amendment 2640

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 61 – paragraph 2

Text proposed by the Commission

2. The post-market monitoring system shall actively and systematically collect, document and analyse relevant data provided by users or collected through other sources on the performance of high-risk AI systems throughout their lifetime, and allow the provider to evaluate the continuous compliance of AI systems with the requirements set out in Title III, Chapter 2.

Amendment

2. The post-market monitoring system shall actively and systematically collect, document and analyse relevant data provided by users or collected through other sources on the performance of high-risk AI systems throughout their lifetime, and allow the provider to evaluate the continuous compliance of AI systems with the requirements set out in Title III, Chapter 2.

Post-market monitoring must include continuous analysis of the AI environment, including other devices, software, and other AI systems that will interact with the AI system.

Or. en

Amendment 2641

Petar Vitanov, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini, Brando Benifei

Proposal for a regulation

Article 61 – paragraph 2

Text proposed by the Commission

2. The post-market monitoring system shall actively and systematically collect, document and analyse relevant data provided by users or collected through other sources on the performance of high-risk AI systems throughout their lifetime, and allow the provider to evaluate the continuous compliance of AI systems with the requirements set out in Title III, Chapter 2.

Amendment

2. The post-market monitoring system shall actively and systematically collect, document and analyse relevant data provided by users or collected through other sources on the performance of high-risk AI systems throughout their lifetime, and allow the provider to evaluate the continuous compliance of AI systems with the requirements set out in Title III, Chapter 2. ***Post-market monitoring must include continuous analysis of the AI environment, including other devices, software, and other AI systems that will interact with the AI system.***

Or. en

Amendment 2642

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 61 – paragraph 2

Text proposed by the Commission

2. The post-market monitoring system shall actively and systematically collect, document and analyse relevant data provided by **users** or collected through other sources on the performance of high-risk AI systems throughout their lifetime, and allow the provider to evaluate the continuous compliance of AI systems with the requirements set out in Title III, Chapter 2.

Amendment

2. The post-market monitoring system shall actively and systematically collect, document and analyse relevant data provided by **deployers** or collected through other sources on the performance of high-risk AI systems throughout their lifetime, and allow the provider to evaluate the continuous compliance of AI systems with the requirements set out in Title III, Chapter 2. ***Post-market monitoring shall include continuous analysis of the AI environment, including other devices, software, and other AI systems that interact with the AI system.***

Or. en

Amendment 2643

Proposal for a regulation
Article 61 – paragraph 2

Text proposed by the Commission

2. The post-market monitoring system shall actively and systematically collect, document and analyse relevant data provided by users or collected through other sources on the performance of high-risk AI systems throughout their lifetime, and allow the provider to evaluate the continuous compliance of AI systems with the requirements set out in Title III, Chapter 2.

Amendment

2. The post-market monitoring system shall actively and systematically collect, document and analyse relevant data provided by users or collected through other sources, ***to the extent such data are readily accessible to the provider and taking into account the limits resulting from data protection, copyright and competition law***, on the performance of high-risk AI systems throughout their lifetime, and allow the provider to evaluate the continuous compliance of AI systems with the requirements set out in Title III, Chapter 2.

Or. en

Amendment 2644
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 61 – paragraph 2

Text proposed by the Commission

2. The post-market monitoring system shall actively and systematically collect, document and analyse relevant data provided by users or collected through other sources on the performance of high-risk AI systems ***throughout their lifetime, and allow the provider to evaluate the continuous compliance of AI systems with the requirements set out in Title III, Chapter 2.***

Amendment

2. ***In order to allow the provider to evaluate the compliance of AI systems with the requirements set out in Title III, Chapter 2 throughout their lifetime,*** the post-market monitoring system shall actively and systematically collect, document and analyse relevant data provided by users or collected through other sources, ***to the extent such data are readily accessible to the provider and taking into account the limits resulting from data protection, copyright and competition law***, on the performance of high-risk AI systems.

Amendment 2645**Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H          , Jean-Paul Garraud****Proposal for a regulation
Article 61 – paragraph 2***Text proposed by the Commission*

2. The post-market monitoring system shall actively and systematically collect, document and analyse relevant data provided by users or collected through other sources on the performance of high-risk AI systems throughout their lifetime, and allow the provider to evaluate the continuous compliance of AI systems with the requirements set out in Title III, Chapter 2.

Amendment

2. The post-market monitoring system shall actively and systematically collect, document and analyse relevant data provided by users or collected through other sources, ***not including the automated transmission of data,*** on the performance of high-risk AI systems throughout their lifetime, and allow the provider to evaluate the continuous compliance of AI systems with the requirements set out in Title III, Chapter 2.

Or. fr

Amendment 2646**Kosma Z          , Eugen Jurzyca, Patryk Jaki, Adam Bielan****Proposal for a regulation
Article 61 – paragraph 2***Text proposed by the Commission*

2. The post-market monitoring system shall actively and systematically collect, document and analyse relevant data provided by users or collected through other sources on the performance of high-risk AI systems throughout their lifetime, and allow the provider to evaluate the continuous compliance of AI systems with the requirements set out in Title III, Chapter 2.

Amendment

2. The post-market monitoring system shall actively and systematically collect, document and analyse relevant data provided by users ***and end-users*** or collected through other sources on the performance of high-risk AI systems throughout their lifetime, and allow the provider to evaluate the continuous compliance of AI systems with the requirements set out in Title III, Chapter 2.

Or. en

Amendment 2647

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation

Article 61 – paragraph 3

Text proposed by the Commission

3. The post-market monitoring system shall be based on a post-market monitoring plan. The post-market monitoring plan shall be part of the technical documentation referred to in Annex IV. The Commission shall adopt an implementing act laying down detailed provisions establishing a template for the post-market monitoring plan and the list of elements to be included in the plan.

Amendment

3. The post-market monitoring system shall be based on a post-market monitoring plan. The post-market monitoring plan shall be part of the technical documentation referred to in Annex IV. The Commission shall adopt an implementing act laying down detailed provisions establishing a template for the post-market monitoring plan and the list of elements to be included in the plan. ***These provisions shall not provide for the automated and systematic transmission of data.***

Or. fr

Amendment 2648

Svenja Hahn, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 61 – paragraph 3

Text proposed by the Commission

3. The post-market monitoring system shall be based on a post-market monitoring plan. The post-market monitoring plan shall be part of the technical documentation referred to in Annex IV. The Commission shall adopt an implementing act laying down detailed provisions establishing a template for the post-market monitoring plan and the list of elements to be included in the plan.

Amendment

3. The post-market monitoring system shall be based on a post-market monitoring plan. The post-market monitoring plan shall be part of the technical documentation referred to in Annex IV. The Commission shall adopt an implementing act laying down detailed provisions establishing a template for the post-market monitoring plan and the list of elements to be included in the plan ***by ... [12 months following the entry into force of this Regulation].***

Amendment 2649**Axel Voss, Deirdre Clune, Eva Maydell****Proposal for a regulation****Title VIII – Chapter 2 – title***Text proposed by the Commission**Amendment*

2 Sharing of information on incidents
and malfunctioning

2 Sharing of information on incidents

Or. en

Amendment 2650**Axel Voss, Deirdre Clune, Eva Maydell****Proposal for a regulation****Article 62 – title***Text proposed by the Commission**Amendment*

Reporting of serious incidents **and of
malfunctioning**

Reporting of serious incidents

Or. en

Amendment 2651

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation**Article 62 – paragraph 1 – introductory part***Text proposed by the Commission**Amendment*

1. Providers of high-risk AI systems placed on the Union market shall report any serious incident or any malfunctioning of those systems which constitutes a breach of obligations under Union law **intended to protect fundamental rights** to the market surveillance authorities of the Member

1. Providers **and, where users have identified a serious incident or malfunctioning, users** of high-risk AI systems placed on the Union market shall report any serious incident or any malfunctioning of those systems which constitutes a breach of obligations under

States where that incident or breach occurred.

Union law to the market surveillance authorities of the Member States where that incident or breach occurred ***and to the affected persons and, where the incident or breach occurs or is likely to occur in at least two Member States, to the Commission.***

Or. en

Amendment 2652

Petar Vitanov, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 62 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of ***high-risk*** AI systems placed on the Union market shall report any serious incident or any malfunctioning of those systems which constitutes a breach of obligations under Union law ***intended to protect fundamental rights to*** the market surveillance authorities of the Member States where that incident or breach occurred.

Amendment

1. Providers ***and, where users have identified a serious incident or malfunctioning, users*** of AI systems placed on the Union market shall report any serious incident or any malfunctioning, ***including near misses,*** of those systems which constitutes a breach of obligations under Union law ***to the national supervisory authorities and*** the market surveillance authorities of the Member States where that incident or breach occurred ***and, where relevant, to the Commission and to the affected persons.***

Or. en

Amendment 2653

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 62 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of high-risk AI systems placed on the Union market shall report any serious incident ***or any***

Amendment

1. Providers of high-risk AI systems placed on the Union market shall report any serious incident to the market

malfunctioning of those systems which constitutes a breach of obligations under Union law intended to protect fundamental rights to the market surveillance authorities of the Member States where that incident ***or breach*** occurred.

surveillance authorities of the Member States where that incident occurred.

Or. en

Amendment 2654

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Article 62 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers ***of high-risk AI systems placed on the Union market shall report any*** serious incident or ***any*** malfunctioning ***of those*** systems which constitutes a breach of obligations under Union law intended to protect fundamental rights to the market surveillance authorities of the Member States where that incident or breach occurred.

Amendment

1. Providers ***and, where users have identified a*** serious incident or malfunctioning, ***including near misses, users of high-risk or general purpose*** systems which constitutes a breach of obligations under Union law intended to protect fundamental rights, ***health and safety*** to the market surveillance authorities of the Member States where that incident or breach occurred, ***and to the Commission..***

Or. en

Justification

Article 62 (1) in the Commission's text says that providers must report serious problems to MSAs only after they have established "a causal link" between their AI systems and the incidents, or a reasonable likelihood of one. This allows providers to evade their responsibility by finding explanations that do not include their own AI systems, especially when these are part of a larger system.

Article 62 should require that operators report an incident or

malfunction whenever an AI system is a part of the system concerned, and not only for serious incidents. This should include near-misses so that other operators can learn from these incidents. This will also have broad societal benefit of helping operators identify and fix problems before a serious incident occurs.

Amendment 2655

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 62 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of high-risk AI systems placed on the Union market shall report any serious incident or any malfunctioning of those systems which constitutes a breach of obligations under Union law intended to protect fundamental rights to the market surveillance authorities of the Member States where that incident or breach occurred.

Amendment

1. Providers ***and, where applicable, users*** of high-risk AI systems placed on the Union market shall report any serious incident or any malfunctioning of those systems which constitutes a breach of obligations under Union law intended to protect fundamental rights to the market surveillance authorities of the Member States where that incident or breach occurred.

Or. en

Amendment 2656

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 62 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of ***high-risk*** AI systems placed on the Union market shall report any serious incident or any malfunctioning of those systems which constitutes a breach

Amendment

1. Providers ***and deployers*** of AI systems placed on the Union market shall report any serious incident or any malfunctioning of those systems which

of obligations under Union law ***intended to protect*** fundamental rights to the market surveillance authorities of the Member States where that incident or breach occurred.

constitutes a breach of obligations under Union law ***or of*** fundamental rights to the market surveillance authorities of the Member States where that incident or breach occurred.

Or. en

Amendment 2657

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 62 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Such notification shall be made ***immediately*** after the provider has established a causal link between the AI system and the incident or malfunctioning or the reasonable likelihood of such a link, and, in any event, not later than ***15 days*** after the providers becomes aware of the serious incident or of the malfunctioning.

Amendment

Such notification shall be made ***without undue delay*** after the provider has established a causal link between the AI system and the incident or malfunctioning or the reasonable likelihood of such a link, and, in any event, not later than ***72 hours*** after the providers becomes aware of the serious incident or of the malfunctioning.

Or. en

Amendment 2658

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 62 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Such notification shall be made immediately after the provider has established a causal link between the AI system and the incident or malfunctioning or the reasonable likelihood of such a link, and, in any event, not later than ***15 days*** after the providers becomes aware of the serious incident or of the malfunctioning.

Amendment

Such notification shall be made immediately after the provider has established a causal link between the AI system and the incident or malfunctioning or the reasonable likelihood of such a link, and, in any event, not later than ***72 hours*** after the providers becomes aware of the serious incident or of the malfunctioning.

Amendment 2659

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H            , Jean-Paul Garraud

Proposal for a regulation**Article 62 – paragraph 1 – subparagraph 1***Text proposed by the Commission*

Such notification shall be made immediately after the provider has established a causal link between the AI system and the incident or malfunctioning or the reasonable likelihood of such a link, and, in any event, not later than **15 days** after the providers becomes aware of the serious incident or of the malfunctioning.

Amendment

Such notification shall be made immediately after the provider has established a causal link between the AI system and the incident or malfunctioning or the reasonable likelihood of such a link, and, in any event, not later than **72 hours** after the providers becomes aware of the serious incident or of the malfunctioning.

Or. fr

Justification

Deadline in line with that under Article 33 of Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

Amendment 2660

Petar Vitanov, Bettina Vollath, Tsvetelina Penkova, Juan Fernando L            , Maria Grapini

Proposal for a regulation**Article 62 – paragraph 1 – subparagraph 1***Text proposed by the Commission*

Such notification shall be made immediately ***after the provider has established a causal link between the AI system and the incident or malfunctioning or the reasonable likelihood of such a link***, and, in any event, not later than **15 days** after the providers becomes aware of the serious incident or of the

Amendment

Such notification shall be made immediately ***when an*** AI system ***is involved in an*** incident or malfunctioning, ***including near misses***, and, in any event, not later than **72 hours** after the providers ***or, where applicable, the user*** becomes aware of the serious incident or of the malfunctioning.

malfunctioning.

Or. en

Amendment 2661

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Article 62 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Such notification shall be made immediately ***after the provider has established a causal link between the AI system and the incident or malfunctioning or the reasonable likelihood of such a link***, and, in any event, not later than ***15 days*** after the providers becomes aware of the serious incident or of the malfunctioning.

Amendment

Such notification shall be made immediately ***when an AI system is involved in*** the incident or malfunctioning, ***including near misses***, and, in any event, not later than ***72 hours*** after the providers ***or, where applicable, the user*** becomes aware of the serious incident or of the malfunctioning.

Or. en

Amendment 2662

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 62 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Such notification shall be made ***immediately*** after the provider has established a causal link between the AI system and the incident ***or malfunctioning*** or the reasonable likelihood of such a link, and, in any event, not later than ***15 days*** after the providers becomes aware of the serious incident ***or of the malfunctioning***.

Amendment

Such notification shall be made ***without undue delay*** after the provider has established a causal link between the AI system and the ***serious*** incident or the reasonable likelihood of such a link, and, in any event, not later than ***72 hours*** after the providers becomes aware of the serious incident.

Or. en

Amendment 2663

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 62 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

No report under this Article is required if the serious incident also leads to reporting requirements under other laws. In that case, the authorities competent under those laws shall forward the received report to the national competent authority.

Or. en

Amendment 2664

Svenja Hahn, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 62 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

No report under this Article is required if the serious incident also leads to reporting requirements under other laws. In that case, the authorities competent under those laws shall forward the received report to the national competent authority.

Or. en

Amendment 2665

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 62 – paragraph 2

Text proposed by the Commission

Amendment

2. Upon receiving a notification related to a ***breach of obligations under***

2. Upon receiving a notification related to a ***serious incident referred to in***

Union law intended to protect fundamental rights, the market surveillance authority shall inform the national public authorities or bodies referred to in Article 64(3). The Commission shall develop dedicated guidance to facilitate compliance with the obligations set out in paragraph 1. That guidance shall be issued 12 months after the entry into force of this Regulation, at the latest.

Article 3(44), the relevant market surveillance authority shall inform the national public authorities or bodies referred to in Article 64(3). The Commission shall develop dedicated guidance to facilitate compliance with the obligations set out in paragraph 1. That guidance shall be issued 12 months after the entry into force of this Regulation, at the latest.

Or. en

Amendment 2666

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation Article 62 – paragraph 2

Text proposed by the Commission

2. Upon receiving a notification related to a breach of obligations under Union law ***intended to protect*** fundamental rights, the market surveillance authority shall inform the national public authorities or bodies referred to in Article 64(3). The Commission shall develop dedicated guidance to facilitate compliance with the obligations set out in paragraph 1. That guidance shall be issued **12** months after the entry into force of this Regulation, at the latest.

Amendment

2. Upon receiving a notification related to a breach of obligations under Union law ***or of*** fundamental rights, the market surveillance authority shall inform the national public authorities or bodies referred to in Article 64(3). The Commission shall develop dedicated guidance to facilitate compliance with the obligations set out in paragraph 1. That guidance shall be issued **3** months after the entry into force of this Regulation, at the latest.

Or. en

Amendment 2667

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation Article 62 – paragraph 2 a (new)

2 a. The market surveillance authorities shall take appropriate measures within 7 days from the date it received the notification referred to in paragraph 1. Where the infringement takes place or is likely to take place in other Member States, the market surveillance authority shall notify the Commission, the Board and the relevant national competent authorities of these Member States.

Or. en

Justification

the 7 days deadline is introduced in order to provide a timeframe after which it is reasonable to consider inaction by that Member State and therefore the enforcement procedure at EU level is triggered.

Amendment 2668

Svenja Hahn, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 62 – paragraph 2 a (new)

2 a. Upon establishing a causal link between the AI system and the serious incident or malfunctioning or the reasonable likelihood of such a link, providers shall take appropriate corrective actions pursuant to Article 21.

Or. en

Amendment 2669

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 62 – paragraph 3

3. For high-risk AI systems referred to in point 5(b) of Annex III which are placed on the market or put into service by providers that are *credit institutions regulated by Directive 2013/36/EU and for high-risk AI systems which are safety components of devices, or are themselves devices, covered by Regulation (EU) 2017/745 and Regulation (EU) 2017/746*, the notification of serious incidents *or malfunctioning* shall be limited to those *that constitute a breach of obligations under Union law intended to protect fundamental rights*.

3. For high-risk AI systems referred to in point 5(b) of Annex III which are placed on the market or put into service by providers that are *subject to regulations that require solutions equivalent to those set out in this Regulation*, the notification of serious incidents shall be limited to those *referred to in Article 3(44)*.

Or. en

Amendment 2670

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation Article 62 – paragraph 3

3. For high-risk AI systems referred to in point 5(b) of Annex III which are placed on the market or put into service by providers that are credit institutions regulated by Directive 2013/36/EU and for high-risk AI systems which are safety components of devices, or are themselves devices, covered by Regulation (EU) 2017/745 and Regulation (EU) 2017/746, the notification of serious incidents or malfunctioning shall be limited to those that constitute a breach of obligations under Union law intended to protect fundamental rights.

3. For high-risk AI systems referred to in point 5(b) of Annex III which are placed on the market or put into service by providers that are credit institutions regulated by Directive 2013/36/EU and for high-risk AI systems which are safety components of devices, or are themselves devices, covered by Regulation (EU) 2017/745 and Regulation (EU) 2017/746, the notification of serious incidents or malfunctioning *for the purposes of this Regulation* shall be limited to those that constitute a breach of obligations under Union law intended to protect fundamental rights *and the environment*.

Or. en

Amendment 2671

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation **Article 62 – paragraph 3**

Text proposed by the Commission

3. For high-risk AI systems referred to in point 5(b) of Annex III which are placed on the market or put into service by providers that are credit institutions regulated by Directive 2013/36/EU and for high-risk AI systems which are safety components of devices, or are themselves devices, covered by Regulation (EU) 2017/745 and Regulation (EU) 2017/746, the notification of serious incidents or malfunctioning shall be limited to those that that constitute a breach of obligations under Union law ***intended to protect*** fundamental rights.

Amendment

3. For high-risk AI systems referred to in point 5(b) of Annex III which are placed on the market or put into service by providers that are credit institutions regulated by Directive 2013/36/EU and for high-risk AI systems which are safety components of devices, or are themselves devices, covered by Regulation (EU) 2017/745 and Regulation (EU) 2017/746, the notification of serious incidents or malfunctioning shall be limited to those that that constitute a breach of obligations under Union law ***or*** fundamental rights.

Or. en

Amendment 2672

Andrea Caroppo, Salvatore De Meo

Proposal for a regulation **Article 62 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3 a. Requirements in place in existing EU legislation shall be taken into account with regard to reporting of information of incidents, in view of avoiding duplications and harmonizing the provisions on incident and event reporting.

Or. en

Amendment 2673

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Article 62 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. National supervisory authorities shall on an annual basis notify the Board of the serious incidents and malfunctioning reported to them in accordance with this Article.

Or. en

Amendment 2674

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Article 63 – paragraph 2

Text proposed by the Commission

Amendment

2. The national supervisory authority shall report to the Commission ***on a regular basis*** the outcomes of relevant market surveillance activities. The national supervisory authority shall report, without delay, to the Commission and relevant national competition authorities any information identified in the course of market surveillance activities that may be of potential interest for the application of Union law on competition rules.

2. The national supervisory authority shall report ***annually*** to the Commission the outcomes of relevant market surveillance activities. The national supervisory authority shall report, without delay, to the Commission and relevant national competition authorities any information identified in the course of market surveillance activities that may be of potential interest for the application of Union law on competition rules.

Or. en

Amendment 2675

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 63 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. For the purpose of regulating

high-risk AI systems, Market surveillance authorities may have the power to:

(a) carry out unannounced on-site and remote inspections of high-risk AI systems;

(b) acquire samples related to high-risk AI systems, including through remote inspections, to reverse-engineer the AI systems and to acquire evidence to identify non-compliance.

Or. en

Amendment 2676

Svenja Hahn, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 63 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The procedures referred to in Articles 65, 66, 67 and 68 of this Regulation shall not apply to AI systems related to products, to which legal acts listed in Annex II, section A apply, when such legal acts already provide for procedures having the same objective. In such a case, these sectoral procedures shall apply instead.

Or. en

Amendment 2677

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation

Article 63 – paragraph 5

Text proposed by the Commission

Amendment

5. For AI systems *listed in point 1(a)*

5. For AI systems *that* are used for

in so far as the systems are used for law enforcement purposes, ***points 6 and 7 of Annex III***, Member States shall designate as market surveillance authorities for the purposes of this Regulation *either* the competent data protection supervisory authorities under Directive (EU) 2016/680, or Regulation 2016/679 ***or the national competent authorities supervising the activities of the law enforcement, immigration or asylum authorities putting into service or using those systems.***

law enforcement purposes, Member States shall designate as market surveillance authorities for the purposes of this Regulation the competent data protection supervisory authorities under Directive (EU) 2016/680, or Regulation 2016/679.

Or. en

Amendment 2678

Petar Vitanov, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation Article 63 – paragraph 5

Text proposed by the Commission

5. For AI systems listed in point 1(a) in so far as the systems are used for law enforcement purposes, ***points 6 and 7 of Annex III***, Member States shall designate as market surveillance authorities for the purposes of this Regulation *either* the competent data protection supervisory authorities under Directive (EU) 2016/680, or Regulation 2016/679 ***or the national competent authorities supervising the activities of the law enforcement, immigration or asylum authorities putting into service or using those systems.***

Amendment

5. For AI systems listed in point 1(a) in so far as the systems are used for law enforcement purposes Member States shall designate as market surveillance authorities for the purposes of this Regulation the competent data protection supervisory authorities under Directive (EU) 2016/680 or Regulation 2016/679.

Or. en

Amendment 2679

Svenja Hahn, Nicola Beer, Morten Løkkegaard, Vlad-Marius Botoș, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation Article 64 – paragraph 1

Text proposed by the Commission

1. Access to data and documentation in the context of their activities, the market surveillance authorities shall be granted full access to the training, validation and testing datasets used by the provider, including through application programming interfaces ('API') or other appropriate technical means and tools enabling remote access.

Amendment

1. ***Without prejudice to powers provided under Regulation (EU) 2019/1020, and where relevant and limited to what is necessary to fulfil their tasks, market surveillance authorities may request*** access to data and documentation in the context of their activities, the market surveillance authorities shall be granted full access to the training, validation and testing datasets used by the provider ***that are strictly necessary for the purpose of its request***, including, ***where appropriate and subject to security safeguards***, through application programming interfaces ('API') or other appropriate technical means and tools enabling remote access.

Or. en

Amendment 2680

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 64 – paragraph 1

Text proposed by the Commission

1. Access to data and documentation in the context of their activities, the market surveillance authorities shall be granted ***full*** access to ***the*** training, validation and testing datasets used by the provider, ***including through application programming interfaces ('API') or other appropriate technical means and tools enabling remote access***.

Amendment

1. ***When appropriate and proportionate, market surveillance authorities may request*** access to data and documentation in the context of their activities. The market surveillance authorities shall ***only*** be granted, access to ***those*** training, ***machine-learning*** validation and testing datasets used by the provider ***that are relevant and strictly necessary for the purpose of its request, after it has been clearly demonstrated that the data and documentation provided under paragraph 1 was not sufficient to assess conformity***.

Or. en

Amendment 2681

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 64 – paragraph 1

Text proposed by the Commission

1. Access to data and documentation in the context of their activities, the market surveillance authorities shall be granted **full** access to the training, validation and testing datasets used by the provider, including through application programming interfaces ('API') or other appropriate technical means and tools enabling remote access.

Amendment

1. Access to data and documentation in the context of their activities, the market surveillance authorities shall be granted **sufficient** access to the training, validation and testing datasets used by the provider, including through application programming interfaces ('API') or other appropriate technical means and tools enabling remote access, **taking into account the scope of access agreed with the relevant data subjects or data holders.**

Or. en

Amendment 2682

Petar Vitanov, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 64 – paragraph 1

Text proposed by the Commission

1. **Access to data and documentation** in the context of their activities, the market surveillance authorities shall be granted full access to the training, validation and testing datasets used by the provider, including through application programming interfaces ('API') or other appropriate technical means and tools enabling remote access.

Amendment

1. In the context of their activities, the **national supervisory authorities, the market surveillance authorities, or the Commission**, shall be granted full access to the training **data sets, and where applicable**, validation and testing datasets used by the provider **or, where relevant, the user**, including through application programming interfaces ('API') or other appropriate technical means and tools enabling remote access.

Or. en

Amendment 2683

Marion Walsmann

**Proposal for a regulation
Article 64 – paragraph 1**

Text proposed by the Commission

1. *Access to data and documentation in the context of their activities*, the market surveillance authorities shall be granted **full** access to the training, validation and testing datasets used by the provider, including through application programming interfaces ('API') or other appropriate technical means and tools enabling remote access.

Amendment

1. *Upon a reasoned request* the market surveillance authorities shall be granted access to the training, validation and testing datasets used by the provider, including through application programming interfaces ('API') or other appropriate technical means and tools enabling remote access.

Or. en

Amendment 2684

Jürgen Warborn, Arba Kokalari, Tomas Tobé

**Proposal for a regulation
Article 64 – paragraph 1**

Text proposed by the Commission

1. Access to data and documentation in the context of their activities, the market surveillance authorities shall be granted **full** access to the training, validation and testing datasets used by the provider, including through application programming interfaces ('API') or other appropriate technical means and tools enabling remote access.

Amendment

1. Access to data and documentation in the context of their activities, the market surveillance authorities shall be granted access to the **relevant** training, validation and testing datasets used by the provider, including through application programming interfaces ('API') or other appropriate technical means and tools enabling remote access.

Or. en

Amendment 2685

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

**Proposal for a regulation
Article 64 – paragraph 1**

Text proposed by the Commission

1. ***Access to data and documentation***
in the context of their activities, the market surveillance authorities shall be granted full access to the training, validation and testing datasets used by the provider, including through application programming interfaces ('API') or other appropriate technical means and tools enabling remote access.

Amendment

1. In the context of their activities, the market surveillance authorities shall be granted full access to the ***comprehensive*** training, validation and testing datasets used by the provider, including through application programming interfaces ('API') or other appropriate technical means and tools enabling remote access.

Or. en

Amendment 2686

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 64 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Providers may challenge requests through an appeal procedure made available by Member States.

Or. en

Amendment 2687

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 64 – paragraph 2

Text proposed by the Commission

Amendment

2. ***Where necessary to assess the conformity of the high-risk AI system with the requirements set out in Title III, Chapter 2 and upon a reasoned request, the market surveillance authorities shall be granted access to the source code of the AI system.***

deleted

Or. en

Amendment 2688

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituța

Proposal for a regulation

Article 64 – paragraph 2

Text proposed by the Commission

2. Where necessary to assess the conformity of the high-risk AI system with the requirements set out in Title III, Chapter 2 and upon a reasoned request, the market surveillance authorities shall be granted access to the source code of the AI system.

Amendment

2. Where necessary to assess the conformity of the high-risk AI system with the requirements set out in Title III, Chapter 2, ***after all other reasonable ways to verify conformity have been exhausted and have proven to be insufficient***, and upon a reasoned request, the market surveillance authorities ***or, where applicable, the Commission***, shall be granted access to the source code of the AI system. ***Such access shall be subject to existing Union law on the protection of intellectual property and trade secrets.***

Or. en

Amendment 2689

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Vlad-Marius Botoș, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 64 – paragraph 2

Text proposed by the Commission

2. ***Where necessary to assess the conformity of the high-risk AI system with the requirements set out in Title III, Chapter 2 and upon a reasoned request,*** the market surveillance authorities shall be granted access to the source code of the AI system.

Amendment

2. Market surveillance authorities shall be granted access to the source code of the ***high-risk*** AI system ***upon a reasoned request and only when the following cumulative conditions are fulfilled:***

a) Access to source code is necessary to assess the conformity of a high-risk AI system with the requirements set out in

Title III, Chapter 2, and

b) testing/auditing procedures and verifications based on the data and documentation provided by the provider have been exhausted or proved insufficient.

Or. en

Amendment 2690

Petar Vitanov, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation Article 64 – paragraph 2

Text proposed by the Commission

2. Where necessary to assess the conformity of the high-risk AI system with the requirements set out in Title III, Chapter 2 and upon a reasoned request, the market surveillance authorities shall be granted access to the source code of the AI system.

Amendment

2. Where necessary to assess the conformity of the high-risk AI system with the requirements set out in Title III, Chapter 2 and upon a reasoned request, the ***national supervisory authority, the*** market surveillance authorities ***or, where applicable, the Commission*** shall be granted access to the source code of the AI system.

Or. en

Amendment 2691

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation Article 64 – paragraph 2

Text proposed by the Commission

2. Where necessary to assess the conformity of the high-risk AI system with the requirements set out in Title III, Chapter 2 and upon a reasoned request, ***the*** market surveillance authorities ***shall be granted access to the source code of the AI system.***

Amendment

2. Where necessary to assess the conformity of the high-risk AI system with the requirements set out in Title III, Chapter 2 and upon a reasoned request. ***AI providers or deployers shall support*** market surveillance authorities ***with the necessary facilities to carry out testing to***

confirm compliance.

Or. en

Amendment 2692

Karlo Ressler

Proposal for a regulation

Article 64 – paragraph 2

Text proposed by the Commission

2. Where necessary to assess the conformity of the high-risk AI system with the requirements set out in Title III, Chapter 2 and upon a reasoned request, the market surveillance authorities shall ***be granted access to the source code*** of the AI system.

Amendment

2. Where necessary to assess the conformity of the high-risk ***uses of*** AI system with the requirements set out in Title III, Chapter 2 and upon a reasoned request, the market surveillance authorities shall ***ask for the explainability of the functioning of algorithms and criteria used by an*** AI system.

Or. en

Amendment 2693

Geoffroy Didier

Proposal for a regulation

Article 64 – paragraph 2

Text proposed by the Commission

2. Where necessary to assess the conformity of the high-risk AI system with the requirements set out in Title III, Chapter 2 and upon a reasoned request, the market surveillance authorities shall ***be granted access to the source code*** of the AI system.

Amendment

2. Where necessary to assess the conformity of the high-risk ***uses of*** AI system with the requirements set out in Title III, Chapter 2 and upon a reasoned request, the market surveillance authorities shall ***ask for the explainability of the functioning of algorithms and criteria used by an*** AI system.

Or. en

Justification

Article 64 provides the possibility for the market surveillance authority to be granted access to the source code of the AI system to assess the conformity of high-risk AI systems. This

obligation is disproportionate, particularly for preventive audits, for cybersecurity reasons, especially regarding the usefulness of this process. A traceability or an explainability of the system functioning would be a better and more useful solution than an access to source code.

If it is impossible to explain all digital parameters used in the training, it is possible to audit the training algorithm, the detailed and replicable training process, the performance measure realised during the training, the performance surveillance process after implementation, variables that influenced a prediction in a precise case.

Amendment 2694
Marion Walsmann

Proposal for a regulation
Article 64 – paragraph 2

Text proposed by the Commission

2. Where necessary to assess the conformity of the high-risk AI system with the requirements set out in Title III, Chapter 2 and upon a reasoned request, the market surveillance authorities shall be granted access to ***the source code of the AI system***.

Amendment

2. Where necessary to assess the conformity of the high-risk AI system with the requirements set out in Title III, Chapter 2 and upon a reasoned request, the market surveillance authorities shall be granted access to ***other data if no confidential business information are at risk***.

Or. en

Amendment 2695
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 64 – paragraph 2

Text proposed by the Commission

2. Where necessary to assess the conformity of the high-risk AI system with the requirements set out in Title III, Chapter 2 and upon ***a reasoned*** request, the market surveillance authorities shall be granted access to the source code of the AI system.

Amendment

2. Where necessary to assess the conformity of the high-risk AI system with the requirements set out in Title III, Chapter 2 and upon request, the market surveillance authorities shall be granted access to the source code of the AI system.

Or. en

Amendment 2696

Sophia in 't Veld, Michal Šimečka

Proposal for a regulation

Article 64 – paragraph 3

Text proposed by the Commission

3. National public authorities or bodies which supervise or enforce the respect of obligations under Union law protecting fundamental rights in relation to the use of high-risk AI systems referred to in Annex III shall have the power to request and access any documentation created or maintained under this Regulation when access to that documentation is necessary for the fulfilment of the competences under their mandate within the limits of their jurisdiction. The relevant public authority or body shall inform the market surveillance authority of the Member State concerned of any such request.

Amendment

3. National public authorities or bodies which supervise or enforce the respect of obligations under Union law protecting fundamental rights in relation to the use of high-risk AI systems referred to in Annex III shall have the power to request and access any documentation created or maintained under this Regulation, ***including data protection impact assessments and human rights impact assessments carried out by the users of such systems***, when access to that documentation is necessary for the fulfilment of the competences under their mandate within the limits of their jurisdiction. The relevant public authority or body shall inform the market surveillance authority of the Member State concerned of any such request.

Or. en

Amendment 2697

Petar Vitanov, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 64 – paragraph 3

Text proposed by the Commission

3. National public authorities or bodies which supervise or enforce the respect of obligations under Union law protecting fundamental rights in relation to the use of high-risk AI systems referred to in Annex III shall have the power to request and access any documentation

Amendment

3. National public authorities or bodies, which supervise or enforce the respect of obligations under Union law protecting fundamental rights in relation to the use of high-risk AI systems referred to in Annex III shall have the power to request and access any documentation

created or maintained under this Regulation when access to that documentation is necessary for the fulfilment of the competences under their mandate within the limits of their jurisdiction. ***The relevant public authority or body shall inform the market surveillance authority of the Member State concerned of any such request.***

created or maintained under this Regulation when access to that documentation is necessary for the fulfilment of the competences under their mandate within the limits of their jurisdiction.

Or. en

Amendment 2698

Petar Vitanov, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation Article 64 – paragraph 4

Text proposed by the Commission

Amendment

4. By 3 months after the entering into force of this Regulation, each Member State shall identify the public authorities or bodies referred to in paragraph 3 and make a list publicly available on the website of the national supervisory authority. Member States shall notify the list to the Commission and all other Member States and keep the list up to date.

deleted

Or. en

Amendment 2699

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation Article 64 – paragraph 4

Text proposed by the Commission

Amendment

4. By 3 months after the entering into force of this Regulation, each Member State shall identify the public authorities or bodies referred to in paragraph 3 and make

4. By 3 months after the entering into force of this Regulation, each Member State shall identify the public authorities or bodies referred to in paragraph 3 and make

a list publicly available on the website of the national supervisory authority. Member States shall notify the list to the Commission and all other Member States and keep the list up to date.

a list publicly available on the website of the national supervisory authority. Member States shall notify the list to the Commission and all other Member States and keep the list up to date. ***The European Commission shall publish in a dedicated website the list of all the Competent authorities designated by the Member States in accordance with this article.***

Or. en

Amendment 2700

Petar Vitanov, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation Article 64 – paragraph 5

Text proposed by the Commission

5. Where the documentation referred to in paragraph 3 is insufficient to ascertain whether a breach of obligations under Union law intended to protect fundamental rights has occurred, the public authority or body referred to paragraph 3 may make a reasoned request to the market surveillance authority to organise testing of the high-risk AI system through technical means. The market surveillance authority shall organise the testing with the close involvement of the requesting public authority or body within reasonable time following the request.

Amendment

5. Where the documentation referred to in paragraph 3 is insufficient to ascertain whether a breach of obligations under Union law intended to protect fundamental rights has occurred, the public authority or body referred to paragraph 3 may make a reasoned request to the ***national supervisory authority, the market surveillance authority, or where applicable the Commission***, to organise testing of the high-risk AI system through technical means. The ***national supervisory authority, the market surveillance authority or where applicable the Commission*** shall organise the testing with the close involvement of the requesting public authority or body within reasonable time following the request.

Or. en

Amendment 2701

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 64 – paragraph 5

Text proposed by the Commission

5. Where the documentation referred to in paragraph 3 is insufficient to ascertain whether a breach of obligations under Union law ***intended to protect*** fundamental rights has occurred, the public authority or body referred to paragraph 3 may make a reasoned request to the market surveillance authority to organise testing of the high-risk AI system through technical means. The market surveillance authority shall organise the testing with the close involvement of the requesting public authority or body within reasonable time following the request.

Amendment

5. Where the documentation referred to in paragraph 3 is insufficient to ascertain whether a breach of obligations under Union law ***or*** fundamental rights has occurred, the public authority or body referred to paragraph 3 may make a reasoned request to the market surveillance authority to organise testing of the high-risk AI system through technical means. The market surveillance authority shall organise the testing with the close involvement of the requesting public authority or body within reasonable time following the request.

Or. en

Amendment 2702
Marion Walsmann

Proposal for a regulation
Article 64 – paragraph 6

Text proposed by the Commission

6. Any information and documentation obtained by the national public authorities or bodies referred to in paragraph 3 pursuant to the provisions of this Article shall be treated in compliance with the confidentiality obligations set out in Article 70.

Amendment

6. Any information and documentation obtained by ***the market surveillance authorities or*** the national public authorities or bodies referred to in paragraph ***1, 2 and*** 3 pursuant to the provisions of this Article shall be treated in compliance with the confidentiality obligations set out in Article 70.

Or. en

Amendment 2703
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 64 a (new)

Article 64 a

Market surveillance authorities

1. Market surveillance authorities shall, at a minimum, have the power to

(a) carry out unannounced on-site and remote inspections of AI systems.

(b) acquire samples related to AI systems, including through remote inspections, to reverse-engineer the AI systems and to acquire evidence to identify non-compliance.

2. Member States may authorise their market surveillance authorities to reclaim from the relevant operator the totality of the costs of their activities with respect to instances of non-compliance.

3. The costs referred to in paragraph 2 of this Article may include the costs of carrying out testing, computation, hardware, storage, and the costs of activities relating to AI systems that are found to be non-compliant and are subject to corrective action prior to their placing on the market.

Or. en

Amendment 2704

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 65 – title

Procedure for dealing with AI systems
presenting a risk **at national level**

Procedure for dealing with AI systems
presenting a risk

Or. en

Amendment 2705

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation

Article 65 – paragraph 1

Text proposed by the Commission

1. AI systems presenting a risk ***shall be understood as a product presenting a risk defined in Article 3, point 19 of Regulation (EU) 2019/1020 insofar as risks to the health or safety or to the protection of fundamental rights of persons are concerned.***

Amendment

1. AI systems presenting a risk ***means an AI system having the potential to affect adversely fundamental rights, health and safety of persons in general, including in the workplace, protection of consumers, the environment, public security, the values enshrined in Article 2 TEU and other public interests, that are protected by the applicable Union harmonisation legislation, to a degree which goes beyond that considered reasonable and acceptable in relation to its intended purpose or under the normal or reasonably foreseeable conditions of use of the system concerned, including the duration of use and, where applicable, its putting into service, installation and maintenance requirements.***

Or. en

Amendment 2706

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 65 – paragraph 1

Text proposed by the Commission

1. AI systems presenting a risk shall be understood as a product presenting a risk defined in Article 3, point 19 of Regulation (EU) 2019/1020 insofar as risks to the health or safety or to the protection of fundamental rights of persons are concerned.

Amendment

1. AI systems presenting a risk shall be understood as a product presenting a risk defined in Article 3, point 19 of Regulation (EU) 2019/1020 insofar as risks to the health or safety ***in general, including safety in the workplace, protection of consumers, the environment,*** or to the protection of fundamental rights of persons are concerned, ***including***

Or, en

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H  l  ne Laporte

Or. fr

Or. en

Amendment 2709

Svenja Hahn, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 65 – paragraph 1

Text proposed by the Commission

1. AI systems presenting a risk shall be understood as a product presenting a risk defined in Article 3, point 19 of Regulation (EU) 2019/1020 insofar as risks to the health or safety or to ***the protection of*** fundamental rights of persons are concerned.

Amendment

1. AI systems presenting a risk shall be understood as a product presenting a risk defined in Article 3, point 19 of Regulation (EU) 2019/1020 insofar as risks to the health or safety or to fundamental rights of persons are concerned.

Or. en

Amendment 2710

Milan Brglez, Hilde Vautmans, Catharina Rinzema

Proposal for a regulation

Article 65 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. When AI systems are likely to interact with or impact on children, the precautionary principle shall apply.

Or. en

Amendment 2711

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 65 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. When AI systems are likely to interact with or impact on children, the precautionary principle shall apply.

Amendment 2712**Milan Brglez, Hilde Vautmans, Catharina Rinzema****Proposal for a regulation****Article 65 – paragraph 2 – introductory part***Text proposed by the Commission*

2. Where the market surveillance authority of a Member State has sufficient reasons to consider that an AI system presents a risk as referred to in paragraph 1, they shall carry out an evaluation of the AI system concerned in respect of its compliance with all the requirements and obligations laid down in this Regulation. When risks to the protection of fundamental rights are present, the market surveillance authority shall also inform the relevant national public authorities or bodies referred to in Article 64(3). The relevant operators shall cooperate as necessary with the market surveillance authorities and the other national public authorities or bodies referred to in Article 64(3).

Amendment

2. Where the market surveillance authority of a Member State has sufficient reasons to consider that an AI system presents a risk as referred to in paragraph 1, they shall carry out an evaluation of the AI system concerned in respect of its compliance with all the requirements and obligations laid down in this Regulation. When risks to the protection of fundamental rights are present, the market surveillance authority shall also inform the relevant national public authorities or bodies referred to in Article 64(3). ***Where there is sufficient reason to consider that that an AI system exploits the vulnerabilities of children or violates their rights intentionally or unintentionally, the market surveillance authority shall have the duty to investigate the design goals, data inputs, model selection, implementation and outcomes of the AI system and the burden of proof shall be on the operator or operators of that system to demonstrate compliance with the provisions of this Regulation.*** The relevant operators shall cooperate as necessary with the market surveillance authorities and the other national public authorities or bodies referred to in Article 64(3), ***including by providing access to personnel, documents, internal communications, code, data samples and on platform testing as necessary. Where, in the course of its evaluation, the market surveillance authority finds that the AI system does not comply with the requirements and obligations laid down in this Regulation, it shall without delay***

require the relevant operator to take all appropriate corrective actions to bring the AI system into compliance, to withdraw the AI system from the market, or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe. The corrective action can also be applied to AI systems in other products or services judged to be similar in their objectives, design or impact.

Or. en

Amendment 2713

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 65 – paragraph 2 – introductory part

Text proposed by the Commission

2. Where the market surveillance authority of a Member State has sufficient reasons to consider that an AI system presents a risk as referred to in paragraph 1, they shall carry out an evaluation of the AI system concerned in respect of its compliance with all the requirements and obligations laid down in this Regulation. When risks to the protection of fundamental rights are present, the market surveillance authority shall also inform the relevant national public authorities or bodies referred to in Article 64(3). The relevant operators shall cooperate as necessary with the market surveillance authorities and the other national public authorities or bodies referred to in Article 64(3).

Amendment

2. Where the market surveillance authority of a Member State has sufficient reasons to consider that an AI system presents a risk as referred to in paragraph 1, they shall carry out an evaluation of the AI system concerned in respect of its compliance with all the requirements and obligations laid down in this Regulation. When risks to the protection of fundamental rights are present, the market surveillance authority shall also inform the relevant national public authorities, **Board** or bodies referred to in Article 64(3). ***Where there is sufficient reason to consider that that an AI system exploits the vulnerabilities of children or violates their rights intentionally or unintentionally, the market surveillance authority shall have the duty to investigate the design goals, data inputs, model selection, implementation and outcomes of the AI system and the burden of proof shall be on the operator or operators of that system to demonstrate compliance with the provisions of this Regulation.*** The relevant operators shall cooperate as necessary with the market surveillance

authorities and the other national public authorities or bodies referred to in Article 64(3), ***including by providing access to personnel, documents, internal communications, code, data samples and on platform testing as necessary.***

Or. en

Amendment 2714

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 65 – paragraph 2 – introductory part

Text proposed by the Commission

2. Where the market surveillance authority of a Member State has sufficient reasons to consider that an AI system presents a risk ***as referred to in paragraph 1***, they shall carry out an evaluation of the AI system concerned in respect of its compliance with all the requirements and obligations laid down in this Regulation. ***When risks to the protection of fundamental rights are present, the market surveillance authority shall also inform the relevant national public authorities or bodies referred to in Article 64(3). The relevant operators shall cooperate as necessary with the market surveillance authorities and the other national public authorities or bodies referred to in Article 64(3).***

Amendment

2. Where the market surveillance authority of a Member State has sufficient reasons to consider that an AI system presents a risk ***to the health and safety of persons***, they shall carry out an evaluation of the AI system concerned in respect of its compliance with all the requirements and obligations laid down in this Regulation.

Or. en

Amendment 2715

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 65 – paragraph 2 – introductory part

Text proposed by the Commission

2. Where the market surveillance authority of a Member State has sufficient reasons to consider that an AI system presents a risk as referred to in paragraph 1, they shall carry out an evaluation of the AI system concerned in respect of its compliance with all the requirements and obligations laid down in this Regulation. When risks to ***the protection of*** fundamental rights are present, the market surveillance authority shall also inform the relevant national public authorities or bodies referred to in Article 64(3). The relevant operators shall cooperate as necessary with the market surveillance authorities and the other national public authorities or bodies referred to in Article 64(3).

Amendment

2. Where the market surveillance authority of a Member State has sufficient reasons to consider that an AI system presents a risk as referred to in paragraph 1, they shall carry out an evaluation of the AI system concerned in respect of its compliance with all the requirements and obligations laid down in this Regulation. When risks to fundamental rights are present, the market surveillance authority shall also inform the relevant national public authorities or bodies referred to in Article 64(3). The relevant operators shall cooperate as necessary with the market surveillance authorities and the other national public authorities or bodies referred to in Article 64(3).

Or. en

Amendment 2716

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 65 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where, in the course of ***that*** evaluation, the market surveillance authority finds that the AI system does not comply with the requirements and obligations laid down in this Regulation, it shall without delay require the relevant operator to take all appropriate corrective actions to bring the AI system into compliance, to withdraw the AI system from the market, or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

Amendment

Where, in the course of ***its*** evaluation, the market surveillance authority finds that the AI system does not comply with the requirements and obligations laid down in this Regulation, it shall without delay require the relevant operator to take all appropriate corrective actions to bring the AI system into compliance, to withdraw the AI system from the market, or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe. ***The corrective action can also be applied to AI systems in other products or services judged to be similar in their objectives, design or impact.***

Or. en

Amendment 2717

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation

Article 65 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where, in the course of that evaluation, the market surveillance authority finds that the AI system does not comply with the requirements and obligations laid down in this Regulation, it shall without delay require the relevant operator to take all appropriate corrective actions to bring the AI system into compliance, to withdraw the AI system from the market, or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

Amendment

Where, in the course of that evaluation, the market surveillance authority ***or, where relevant, the national public authority referred to in Article 64(3)*** finds that the AI system does not comply with the requirements and obligations laid down in this Regulation, it shall without delay require the relevant operator to take all appropriate corrective actions to bring the AI system into compliance, to withdraw the AI system from the market, or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe, ***and in any case no later than 15 working days.***

Or. en

Amendment 2718

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation

Article 65 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where, in the course of that evaluation, the market surveillance authority finds that the AI system does not comply with the requirements and obligations laid down in this Regulation, it shall without delay require the relevant operator to take all appropriate corrective actions ***to bring the AI system into compliance,*** to withdraw the AI system from the market, or to recall

Amendment

Where, in the course of that evaluation, the market surveillance authority finds that the AI system does not comply with the requirements and obligations laid down in this Regulation, it shall without delay require the relevant operator to take all appropriate corrective actions ***within a reasonable period, commensurate with the nature of the risk, and which it may***

it *within a reasonable period, commensurate with the nature of the risk, as it may prescribe.*

prescribe, to withdraw the AI system from the market, or to recall it *to bring it into compliance.*

Or. fr

Amendment 2719

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 65 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Where the national supervisory authority has sufficient reasons to consider that an AI system presents a risk to the protection of fundamental rights, the principles as defined in Art 4a or the Union values, as enshrined in Article 2 TEU, they shall carry out an evaluation of the AI system concerned in respect of its compliance with all the requirements and obligations laid down in this Regulation.

Or. en

Amendment 2720

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini, Brando Benifei

Proposal for a regulation

Article 65 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. Where, in the course of that evaluation, the market surveillance authority or, where relevant, the national supervisory authority finds that the AI system does not comply with the requirements and obligations laid down in this Regulation, it shall without delay require the relevant operator to take all appropriate corrective actions to bring the

AI system into compliance, to withdraw the AI system from the market, or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe, and in any case no later than 15 working days.

The market surveillance authority shall inform the relevant notified body accordingly. Article 18 of Regulation (EU) 2019/1020 shall apply to the measures referred to in the first subparagraph.

Or. en

Amendment 2721

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation Article 65 – paragraph 3

Text proposed by the Commission

3. Where the market surveillance authority considers that non-compliance is not restricted to its national territory, it shall inform the Commission and the **other** Member States of the results of the evaluation and of the actions which it has required the operator to take.

Amendment

3. Where the market surveillance authority **or, where relevant, the national supervisory authority**, considers that non-compliance is not restricted to its national territory, it shall inform the **Board, the** Commission and the Member States' **competent authorities** of the results of the evaluation and of the actions which it has required the operator to take.

Or. en

Amendment 2722

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation Article 65 – paragraph 3

Text proposed by the Commission

3. Where the market surveillance

Amendment

3. Where the market surveillance

authority considers that non-compliance is not restricted to its national territory, it shall inform the Commission and the other Member States of the results of the evaluation and of the actions which it has required the operator to take.

authority considers that non-compliance is not restricted to its national territory, it shall inform the Commission and the other Member States ***without undue delay*** of the results of the evaluation and of the actions which it has required the operator to take.

Or. en

Amendment 2723

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituţa

Proposal for a regulation Article 65 – paragraph 3

Text proposed by the Commission

3. Where the market surveillance authority considers that non-compliance is not restricted to its national territory, it shall inform the Commission and the other Member States of the results of the evaluation and of the actions which it has required the operator to take.

Amendment

3. Where the market surveillance authority considers that non-compliance is not restricted to its national territory, it shall inform the Commission, ***the AI Office*** and the other Member States of the results of the evaluation and of the actions which it has required the operator to take.

Or. en

Amendment 2724

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation Article 65 – paragraph 5

Text proposed by the Commission

5. Where the operator of an AI system does not take adequate corrective action within the period referred to in paragraph 2, the market surveillance authority shall take all appropriate provisional measures to prohibit or restrict the AI system's being made available on its national market, to withdraw the ***product*** from that market or to recall it. That authority shall inform the

Amendment

5. Where the operator of an AI system does not take adequate corrective action within the period referred to in paragraph ***2b***, the market surveillance authority ***or, where relevant, the national supervisory authority***, shall take all appropriate provisional measures to prohibit or restrict the AI system's being made available on its national market ***or put into service***, to

Commission and the *other* Member States, *without delay*, of those measures.

withdraw the *AI system* from that market or to recall it. That authority shall *immediately* inform the Commission, *the Board* and the Member States' *market surveillance authorities*, of those measures.

Or. en

Amendment 2725

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation Article 65 – paragraph 5

Text proposed by the Commission

5. Where the operator of an AI system does not take adequate corrective action within the period referred to in paragraph 2, the market surveillance authority shall take all appropriate provisional measures to prohibit or restrict the AI system's being made available on its national market, to withdraw the *product* from that market or to recall it. That authority shall inform the Commission and the other Member States, *without delay*, of those measures.

Amendment

5. Where the operator of an AI system does not take adequate corrective action within the period referred to in paragraph 2, the market surveillance authority shall take all appropriate provisional measures to prohibit or restrict the AI system's being made available on its national market *or put into service*, to withdraw the *AI system* from that market or to recall it. That authority shall *immediately* inform the Commission, *the Board* and the other Member States, of those measures.

Or. en

Amendment 2726

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation Article 65 – paragraph 5

Text proposed by the Commission

5. Where the operator of an AI system does not take adequate corrective action within the period referred to in paragraph

Amendment

5. Where the operator of an AI system does not take adequate corrective action within the period referred to in paragraph

2, the market surveillance authority shall take all appropriate provisional measures to prohibit or restrict the AI system's being made available on its national market, to withdraw the product from that market or to recall it. That authority shall ***inform*** the Commission and the other Member States, without delay, of those measures.

2, the market surveillance authority shall take all appropriate provisional measures to prohibit or restrict the AI system's being made available on its national market, to withdraw the product from that market or to recall it. That authority shall ***notify*** the Commission and the other Member States, without delay, of those measures.

Or. en