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

2021/0106(COD)

13.6.2022

AMENDMENTS
310 - 538

Draft report
Brando Benifei, Dragoş 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 310
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Citation 5 a (new)

Text proposed by the Commission	*Amendment*
	Having regard to the opinion of the European Central Bank,

Or. en

Amendment 311
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Dita Charanzová, Andrus Ansip, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Citation 5 a (new)

Text proposed by the Commission	*Amendment*
	Having regard to the opinion of the European Central Bank,

Or. en

Amendment 312
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Citation 5 b (new)

Text proposed by the Commission	*Amendment*
	Having regard to the joint opinion of the European Data Protection Board and the European Data Protection Supervisor,

Or. en

Amendment 313
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä

on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 1

Text proposed by the Commission	*Amendment*
(1) The purpose of this Regulation is to improve the functioning of the internal market by laying down a uniform legal framework in particular for the development, marketing and use of artificial intelligence in conformity with Union values. This Regulation pursues a number of overriding reasons of public interest, such as a high level of protection of health, safety and fundamental rights, ***and it*** ensures the free movement of AI-based goods and services cross-border, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems, unless explicitly authorised by this Regulation***.***	(1) The purpose of this Regulation is to improve the functioning of the internal market by laying down a uniform ***minimum*** legal framework in particular for the development, marketing and use of artificial intelligence in conformity with Union values. This Regulation pursues a number of overriding reasons of public interest, such as a high level of protection of health, safety and fundamental rights, ***as well as the environment, society, rule of law and democracy, economic interests and consumer protection. It also*** ensures the free movement of AI-based goods and services cross-border, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems, unless explicitly authorised by this Regulation***, or justified by the need to ensure the protection of the rights and freedoms of natural persons, or the ethical principles advocated by this Regulation***

Or. en

Amendment 314
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Recital 1

Text proposed by the Commission	*Amendment*
(1) The purpose of this Regulation is to ***improve*** the functioning of the internal market ***by laying*** down a uniform legal framework in particular for the development, ***marketing and*** use of artificial intelligence in conformity with	(1) The purpose of this Regulation is to ***ensure a high level of protection of fundamental rights, health, safety and the environment, as well as the Union values enshrined in Article 2 of the Treaty on European Union (TEU), from harmful***

Union values***. This Regulation pursues a number of overriding reasons of public interest, such as a high level of protection of health, safety and fundamental rights,*** and it ensures the free movement of AI-based goods and services cross-border, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems, unless explicitly authorised by this Regulation.	***effects of the use of artificial intelligence systems in the Union while enhancing innovation and improving*** the functioning of the internal market***. This Regulation lays*** down a uniform legal framework in particular for the development, ***the placing on the market, the putting into service and the*** use of artificial intelligence in conformity with Union values and it ensures the free movement of AI-based goods and services cross-border, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems, unless explicitly authorised by this Regulation.

Or. en

Amendment 315
Vincenzo Sofo, Kosma Złotowski

Proposal for a regulation
Recital 1

Text proposed by the Commission	*Amendment*
(1) The purpose of this Regulation is to improve the functioning of the internal market by laying down a uniform legal framework in particular for the development, marketing and use of artificial intelligence in conformity with Union values. This Regulation pursues a number of overriding reasons of public interest, such as a high level of protection of health, safety and fundamental rights, and it ensures the free movement of AI-based goods and services cross-border, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems, unless explicitly authorised by this Regulation.	(1) The purpose of this Regulation is to improve the functioning of the internal market by laying down a uniform legal framework in particular for the development, marketing and use of artificial intelligence in conformity with Union values***, the Universal Declaration of Human Rights, the European Convention on Human Rights and the Charter of Fundamental Rights of the EU***. This Regulation pursues a number of overriding reasons of public interest, such as a high level of protection of health, safety and fundamental rights, and it ensures the free movement of AI-based goods and services cross-border, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems, unless explicitly authorised by this Regulation.

Or. en

Amendment 316
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
Recital 1

Text proposed by the Commission	*Amendment*
(1) The purpose of this Regulation is to improve the functioning of the internal market by laying down a uniform legal framework in particular for the development, marketing and use of artificial intelligence in conformity with Union values. This Regulation pursues a number of overriding reasons of public interest, such as a high level of protection of health, safety ***and*** fundamental rights, and it ensures the free movement of AI-based goods and services cross-border, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems, unless explicitly authorised by this Regulation.	(1) The purpose of this Regulation is to improve the functioning of the internal market by laying down a uniform legal framework in particular for the development, ***the placing on the market, the putting into service and the*** marketing and use of artificial intelligence in conformity with Union values. This Regulation pursues a number of overriding reasons of public interest, such as a high level of protection of health, safety**,** fundamental rights***, the environment and the Union values enshrined in Article 2 of the Treaty on European Union (TEU)***, and it ensures the free movement of AI-based goods and services cross-border, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems, unless explicitly authorised by this Regulation.

Or. en

Amendment 317
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation
Recital 1

Text proposed by the Commission	*Amendment*
(1) The purpose of this Regulation is to improve the functioning of the internal market by laying down a uniform legal framework in particular for the	(1) The purpose of this Regulation is to improve the functioning of the internal market by laying down a uniform legal framework in particular for the

development, marketing and use of artificial intelligence in conformity with Union values. This Regulation pursues a number of overriding reasons of public interest, such as a high level of protection of health, safety and fundamental rights, and it ensures the free movement of AI-based goods and services cross-border, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems, unless explicitly authorised by this Regulation.	development, marketing and use of artificial intelligence in conformity with Union values. This Regulation pursues a number of overriding reasons of public interest, such as a high level of protection of health, safety and fundamental rights, and it ensures the free movement of AI-based goods and services cross-border, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems, unless explicitly authorised by this Regulation ***and without prejudice to stricter national legislation governing the protection of fundamental rights***.

Or. fr

Amendment 318
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 1

Text proposed by the Commission	*Amendment*
(1) The purpose of this Regulation is to improve the functioning of the internal market by laying down a uniform legal framework in particular for the development, marketing and use of artificial intelligence in conformity with Union values. This Regulation pursues a number of overriding reasons of public interest, such as a high level of protection of health, safety and fundamental rights, and it ensures the free movement of AI-based goods and services cross-border, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems, unless explicitly authorised by this Regulation.	(1) The purpose of this Regulation is to improve the functioning of the internal market by laying down a uniform legal framework in particular for the development, marketing and use of artificial intelligence in conformity with Union values. This Regulation pursues a number of overriding reasons of public interest, such as a high level of protection of health, safety***, environment*** and fundamental rights, ***as well as consumer protection*** and it ensures the free movement of AI-based goods and services cross-border, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems, unless explicitly authorised by this Regulation.

Or. en

Amendment 319
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission	*Amendment*
	(1 a) The term "artificial intelligence" (AI) refers to systems developed by humans that can, using different techniques and approaches, generate outputs such as content, predictions, recommendations and decisions. The context they are used in is decisive for how much and what kind of influence they can have, and whether they are perceived by an observer as "intelligent". The term "automated decision-making" (ADM) has been proposed as it could avoid the possible ambiguity of the term AI. ADM involves a user delegating initially a decision, partly or completely, to an entity by way of using a system or a service. That entity then uses automatically executed decision-making models to perform an action on behalf of a user, or to inform the user's decisions in performing an action

Or. en

Amendment 320
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 2

Text proposed by the Commission	*Amendment*
(2) Artificial intelligence systems (AI systems) can be easily deployed in multiple sectors of the economy and society, including cross border, and circulate throughout the Union. Certain Member States have already explored the adoption	(2) Artificial intelligence systems (AI systems) can be easily deployed in multiple sectors of the economy and society, including cross border, and circulate throughout the Union. Certain Member States have already explored the adoption

of national rules to ensure that artificial intelligence is safe and is developed and used in compliance with fundamental rights obligations***. Differing national rules may lead to fragmentation of the internal market and decrease legal certainty for operators that develop or use AI systems***. A consistent and high level of protection throughout the Union should therefore be ensured, while divergences hampering the free circulation of AI systems and related products and services within the internal market should be prevented, by laying down uniform obligations for operators and guaranteeing the uniform protection of overriding reasons of public interest and of rights of persons throughout the internal market based on Article 114 of the Treaty on the Functioning of the European Union (TFEU). To the extent that this Regulation contains specific rules on the protection of individuals with regard to the processing of personal data concerning restrictions of the use of AI systems ***for 'real-time' remote*** biometric identification in publicly accessible spaces ***for the purpose of law enforcement***, it is appropriate to base this Regulation, in as far as those specific rules are concerned, on Article 16 of the TFEU. In light of those specific rules and the recourse to Article 16 TFEU, it is appropriate to consult the European Data Protection Board.

of national rules to ensure that artificial intelligence is safe and is developed and used in compliance with fundamental rights obligations. A consistent and high level of protection throughout the Union should therefore be ensured, while divergences hampering the free circulation of AI systems and related products and services within the internal market should be prevented, by laying down uniform obligations for operators and guaranteeing the uniform protection of overriding reasons of public interest and of rights of persons throughout the internal market based on Article 114 of the Treaty on the Functioning of the European Union (TFEU). To the extent that this Regulation contains specific rules on the protection of individuals with regard to the processing of personal data concerning restrictions of the use of AI systems biometric identification in publicly accessible spaces, it is appropriate to base this Regulation, in as far as those specific rules are concerned, on Article 16 of the TFEU. In light of those specific rules and the recourse to Article 16 TFEU, it is appropriate to consult the European Data Protection Board.

Or. en

Amendment 321
Vincenzo Sofo, Kosma Złotowski

Proposal for a regulation
Recital 2

Text proposed by the Commission	*Amendment*
(2) Artificial intelligence systems (AI systems) can be easily deployed in multiple sectors of the economy and society, including cross border, and circulate	(2) Artificial intelligence systems (AI systems) can be easily deployed in multiple sectors of the economy and society, including cross border, and circulate

throughout the Union. Certain Member States have already explored the adoption of national rules to ensure that artificial intelligence is safe and is developed and used in compliance with fundamental rights obligations. Differing national rules may lead to fragmentation of the internal market and decrease legal certainty for operators that develop or use AI systems. A consistent and high level of protection throughout the Union should therefore be ensured, while divergences hampering the free circulation of AI systems and related products and services within the internal market should be prevented, by laying down uniform obligations for operators and guaranteeing the uniform protection of overriding reasons of public interest and of rights of persons throughout the internal market based on Article 114 of the Treaty on the Functioning of the European Union (TFEU). To the extent that this Regulation contains specific rules on the protection of individuals with regard to the processing of personal data concerning restrictions of the use of AI systems for 'real-time' remote biometric identification in publicly accessible spaces for the purpose of law enforcement, it is appropriate to base this Regulation, in as far as those specific rules are concerned, on Article 16 of the TFEU. In light of those specific rules and the recourse to Article 16 TFEU, it is appropriate to consult the European Data Protection Board.

throughout the Union. Certain Member States have already explored the adoption of national rules to ensure that artificial intelligence is safe and is developed and used in compliance with fundamental rights obligations. Differing national rules may lead to fragmentation of the internal market and decrease legal certainty for operators that develop or use AI systems. A consistent and high level of protection throughout the Union should therefore be ensured, while divergences hampering the free circulation of AI systems and related products and services within the internal market should be prevented, by laying down uniform obligations for operators and guaranteeing the uniform protection of overriding reasons of public interest and of rights of persons throughout the internal market based on Article 114 of the Treaty on the Functioning of the European Union (TFEU). To the extent that this Regulation contains specific rules on the protection of individuals with regard to the processing of personal data concerning restrictions of the use of AI systems for 'real-time' remote biometric identification in publicly accessible spaces for the purpose of law enforcement, it is appropriate to base this Regulation, in as far as those specific rules are concerned, on Article 16 of the TFEU ***and to align it with relevant EU legislation such as the GDPR and the EUDPR***. In light of those specific rules and the recourse to Article 16 TFEU, it is appropriate to consult the European Data Protection Board ***and to take into consideration the EDPB-EDPS Joint Opinion 5/2021***.

Or. en

Amendment 322
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 2

Text proposed by the Commission	*Amendment*
(2) Artificial intelligence systems (AI systems) can be easily deployed in multiple sectors of the economy and society, including cross border, and circulate throughout the Union. Certain Member States have already explored the adoption of national rules to ensure that artificial intelligence is safe and is developed and used in compliance with fundamental rights obligations. Differing national rules may lead to fragmentation of the internal market and decrease legal certainty for operators that develop or use AI systems. A consistent and high level of protection throughout the Union should therefore be ensured, while divergences hampering the free circulation of AI systems and related products and services within the internal market should be prevented, by laying down uniform obligations for operators and guaranteeing the uniform protection of overriding reasons of public interest and of rights of persons throughout the internal market based on Article 114 of the Treaty on the Functioning of the European Union (TFEU). To the extent that this Regulation contains specific rules on the protection of individuals with regard to the processing of personal data concerning restrictions of the use of AI systems for 'real-time' remote biometric identification in publicly accessible spaces for the purpose of law enforcement, it is appropriate to base this Regulation, in as far as those specific rules are concerned, on Article 16 of the TFEU. In light of those specific rules and the recourse to Article 16 TFEU, it is appropriate to consult the European Data Protection Board.	(2) Artificial intelligence systems (AI systems) can be easily deployed in multiple sectors of the economy and society, including cross border, and circulate throughout the Union. Certain Member States have already explored the adoption of national rules to ensure that artificial intelligence is safe and is developed and used in compliance with fundamental rights obligations. Differing national rules may lead to fragmentation of the internal market and decrease legal certainty for operators that develop or use AI systems. A consistent and high level of protection throughout the Union should therefore be ensured, while divergences hampering the free circulation of AI systems and related products and services within the internal market should be prevented, by laying down uniform obligations for operators and guaranteeing the uniform protection of overriding reasons of public interest and of rights of persons throughout the internal market based on Article 114 of the Treaty on the Functioning of the European Union (TFEU). To the extent that this Regulation contains specific rules on the protection of individuals with regard to the processing of personal data concerning restrictions of the use of AI systems for 'real-time' remote biometric identification in publicly accessible ***and online*** spaces for the purpose of law enforcement, it is appropriate to base this Regulation, in as far as those specific rules are concerned, on Article 16 of the TFEU. In light of those specific rules and the recourse to Article 16 TFEU, it is appropriate to consult the European Data Protection Board.

Or. en

Amendment 323
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation
Recital 2

Text proposed by the Commission	*Amendment*
(2) Artificial intelligence systems (AI systems) can be easily deployed in multiple sectors of the economy and society, including cross border, and circulate throughout the Union. Certain Member States have already explored the adoption of national rules to ensure that artificial intelligence is safe and is developed and used in compliance with fundamental rights obligations. Differing national rules may lead to fragmentation of the internal market and decrease legal certainty for operators that develop or use AI systems. A consistent and high level of protection throughout the Union should therefore be ensured, while divergences hampering the free circulation of AI systems and related products and services within the internal market should be prevented, by laying down uniform obligations for operators and guaranteeing the uniform protection of overriding reasons of public interest and of rights of persons throughout the internal market based on Article 114 of the Treaty on the Functioning of the European Union (TFEU). To the extent that this Regulation contains specific rules on the protection of individuals with regard to the processing of personal data concerning restrictions of the use of AI systems for 'real-time' remote biometric identification in publicly accessible spaces for the purpose of law enforcement, it is appropriate to base this Regulation, in as far as those specific rules are concerned, on Article 16 of the TFEU. In light of those specific rules and the recourse to Article 16 TFEU, it is appropriate to consult the European Data Protection Board.	(2) Artificial intelligence systems (AI systems) can be easily deployed in multiple sectors of the economy and society, including cross border, and circulate throughout the Union. Certain Member States have already explored the adoption of national rules to ensure that artificial intelligence is safe and is developed and used in compliance with fundamental rights obligations. Differing national rules may lead to fragmentation of the internal market and decrease legal certainty for operators that develop or use AI systems. A ***minimum,*** consistent and high level of protection throughout the Union should therefore be ensured, while divergences hampering the free circulation of AI systems and related products and services within the internal market should be prevented, by laying down uniform obligations for operators and guaranteeing the uniform protection of overriding reasons of public interest and of rights of persons throughout the internal market based on Article 114 of the Treaty on the Functioning of the European Union (TFEU). To the extent that this Regulation contains specific rules on the protection of individuals with regard to the processing of personal data concerning restrictions of the use of AI systems for 'real-time' remote biometric identification in publicly accessible spaces for the purpose of law enforcement, it is appropriate to base this Regulation, in as far as those specific rules are concerned, on Article 16 of the TFEU. In light of those specific rules and the recourse to Article 16 TFEU, it is appropriate to consult the European Data Protection Board.

Or. fr

Amendment 324
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation
Recital 2

Text proposed by the Commission	*Amendment*
(2) Artificial intelligence systems (AI systems) can be easily deployed in multiple sectors of the economy and society, including cross border, and circulate throughout the Union. Certain Member States have already explored the adoption of national rules to ensure that artificial intelligence is safe and is developed and used in compliance with fundamental rights obligations. Differing national rules may lead to fragmentation of the internal market and decrease legal certainty for operators that develop or use AI systems. A consistent and high level of protection throughout the Union should therefore be ensured, while divergences hampering the free circulation of AI systems and related products and services within the internal market should be prevented, by laying down uniform obligations for operators and guaranteeing the uniform protection of overriding reasons of public interest and of rights of persons throughout the internal market based on Article 114 of the Treaty on the Functioning of the European Union (TFEU). ***To the extent that*** this Regulation ***contains specific*** rules on the protection of individuals with regard to the processing of personal data ***concerning restrictions of the use of AI systems for 'real-time' remote biometric identification in publicly accessible spaces for the purpose of law enforcement, it is appropriate to base this Regulation, in as far as those specific rules are concerned, on Article 16 of the TFEU***. In light of ***those specific rules and*** the recourse to Article 16 TFEU, it is appropriate to consult the European Data Protection Board.	(2) Artificial intelligence systems (AI systems) can be easily deployed in multiple sectors of the economy and society, including cross border, and circulate throughout the Union. Certain Member States have already explored the adoption of national rules to ensure that artificial intelligence is safe and is developed and used in compliance with fundamental rights obligations. Differing national rules may lead to fragmentation of the internal market and decrease legal certainty for operators that develop or use AI systems. A consistent and high level of protection throughout the Union should therefore be ensured, while divergences hampering the free circulation of AI systems and related products and services within the internal market should be prevented, by laying down uniform obligations for operators and guaranteeing the uniform protection of overriding reasons of public interest and of rights of persons throughout the internal market based on Article 114 of the Treaty on the Functioning of the European Union (TFEU). ***As AI systems rely on the processing of large volumes of data, including personal data, it is appropriate to base*** this Regulation ***on Article 16 of the TFEU, which enshrines the right of everyone to the protection of personal data concerning them and provides for the adoption of*** rules on the protection of individuals with regard to the processing of personal data. In light of the recourse to Article 16 TFEU, it is appropriate to consult the European Data Protection Board.

Or. en

Amendment 325
Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Petar Vitanov, René Repasi, Birgit Sippel, Maria Grapini, Maria-Manuel Leitão-Marques, Marc Angel, Adriana Maldonado López

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission	*Amendment*
	(2 a) However, in line with Article 114(2) TFEU, this Regulation does not affect the rights and interests of employed persons. This Regulation should therefore not affect Community law on social policy and national labour law and practice, that is any legal and contractual provision concerning employment conditions, working conditions, including health and safety at work and the relationship between employers and workers, including information, consultation and participation. This Regulation should not affect the exercise of fundamental rights as recognized in the Member States and at Union level, including the right or freedom to strike or to take other action covered by the specific industrial relations systems in Member States, in accordance with national law and/or practice. Nor should it affect concertation practices, the right to negotiate, to conclude and enforce collective agreement or to take collective action in accordance with national law and/or practice. It should in any case not prevent the Commission from proposing specific legislation on the rights and freedoms of workers affected by AI systems.

Or. en

Amendment 326
Maria-Manuel Leitão-Marques, Eva Kaili

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission	*Amendment*
	(2 a) The deployment of artificial intelligence applications across sectors will only accelerate in the years to come. The European Union should therefore consider, in separate legislation, the creation of an Artificial Intelligence Adjustment Fund, which could be beneficial for Member States to cover the accustoming of their labour markets to the new conditions arising from the rapid mass introduction of artificial intelligence systems that could affect specific job sectors.

Or. en

Amendment 327
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Brando Benifei

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission	*Amendment*
	(2 a) This Regulation should not affect the restrictions, prohibitions or enforcement that apply where an artificial intelligence practice infringes another EU law, including EU acquis on data protection, privacy, or the confidentiality of communications, on non discrimination, consumer protection or on competition.

Or. en

Amendment 328
Krzysztof Hetman, Adam Jarubas, Andrzej Halicki, Jerzy Buzek, Janusz Lewandowski, Radosław Sikorski

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission	*Amendment*
	(3 a) The development of AI applications might bring down the costs and increase the volume of services available, e.g. health services, public transport, Farming 4.0, making them more affordable to a wider spectrum of society; that AI applications may also result in the rise of unemployment, pressure on social care systems, and an increase of poverty; in accordance with the values enshrined in Article 3 of the Treaty on European Union, there might be a need to adapt the Union AI transformation to socioeconomic capacities, to create adequate social shielding, support education and incentives to create alternative jobs; the establishment of a Union AI Adjustment Fund building upon the experience of The European Globalisation Adjustment Fund (EGF) or the currently developed Just Transition Fund should be considered;

Or. en

Amendment 329
Jörgen Warborn, Tomas Tobé, Arba Kokalari

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission	*Amendment*
	(3 a) The deployment of artificial intelligence is critical for European competitiveness and in particular for the success of small and medium-sized enterprises in industrial sectors. AI solutions can support European companies to optimise production processes, predict machinery failures and develop more efficient and smart services. The potential of AI can however only fully

materialise if European industry, and in particular SMEs, are provided with a permissive legislative framework which avoids any overregulation that would funnel resources away from R&D towards unnecessary compliance costs.

Or. en

Amendment 330
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission	*Amendment*
	(3 a) To ensure that Artificial Intelligence leads to socially and environmentally beneficial outcomes, Member States should support such measures through allocating sufficient resources, including public funding, and giving priority access to regulatory sandboxes to projects led by civil society and social stakeholders. Such projects should be based on the principle of interdisciplinary cooperation between AI developers, experts in equality and non-discrimination, accessibility, and consumer, environmental, and digital rights, and the academic community.

Or. en

Amendment 331
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission	*Amendment*
	(3 a) In order for Member States to reach the carbon neutrality targets, European companies should seek to

utilise all available technological advancements that can assist in realising this goal. AI is a well-developed and ready-to-use technology that can be used to process the ever-growing amount of data created during industrial, environmental, health and other processes. To facilitate investments in AI-based analysis and optimisation solutions, this Regulation should provide a predictable and proportionate environment for low-risk industrial solutions.

Or. en

Amendment 332
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission	*Amendment*
	(3 a) To ensure that Artificial Intelligence leads to socially and environmentally beneficial outcomes, Member States should support such measures through allocating sufficient resources, including public funding, and giving priority access to regulatory sandboxes to projects led by civil society and social stakeholders. Such projects should be based on the principle of interdisciplinary cooperation between AI developers, experts in equality and non-discrimination, accessibility, and consumer, environmental, and digital rights, and the academic community.

Or. en

Amendment 333
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Recital 3 b (new)

Text proposed by the Commission	*Amendment*
	(3 b) Furthermore, in order for Member States to fight against climate change, to achieve climate-neutrality and to meet the Sustainable Development Goals (SDGs), the European companies should ensure the sustainable design of AI systems to reduce resource usage and energy consumption, thereby limiting the risks to the environment; AI systems have the potential to automatically provide businesses with detailed insight into their emissions, including value chains, and forecast future emissions, thus helping to adjust and achieve the Union's emission targets.

Or. en

Amendment 334
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 4

Text proposed by the Commission	*Amendment*
(4) At the same time, depending on the circumstances regarding its specific application and use, artificial intelligence may generate risks and cause harm to public interests and rights that are protected by Union law. Such harm might be material or immaterial.	(4) At the same time, depending on the circumstances regarding its specific application and use, artificial intelligence may generate risks and cause harm to public interests and rights that are protected by Union law***, whether individual, societal, environmental, economic, or to the rule of law and democracy***. Such harm might be material or immaterial. ***Harm should be understood as injury or damage to the life, health, physical integrity and the property of a natural or legal person, economic harm to individuals, damage to their environment, security and other aspects defined in the scope of New Approach directives, complemented by collective harms such as***

harm to society, the democratic process and the environment, or going against core ethical principles. Immaterial harms should be understood as meaning harm as a result of which the affected person suffers considerable detriment, an objective and demonstrable impairment of his or her personal interests and an economic loss calculated having regard, for example, to annual average figures of past revenues and other relevant circumstances. Such immaterial harm can therefore consist of psychological harm, reputational harm or change in legal status. Harm can be caused (i) by single events and (ii) through exposure over time to harmful algorithmic practices, as well as (iii) through action distributed among a number of actors where the entity causing the harm is not necessarily that which uses the AI or (iv) through uses of AI which are different than intended for the given system.

Or. en

Amendment 335
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini, Brando Benifei

Proposal for a regulation
Recital 4

Text proposed by the Commission	*Amendment*
(4) At the same time, depending on the circumstances regarding its specific application and use, artificial intelligence may generate risks and cause harm to public interests and rights that are protected by Union law. Such harm might be material or immaterial.	(4) At the same time, depending on the circumstances regarding its specific application and use***, as well as the level of technological development***, artificial intelligence may generate risks and cause harm to public interests and rights that are protected by Union law. Such harm might be material or immaterial***, including physical, psychological, societal or economic harm***.

Or. en

Amendment 336
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 4

Text proposed by the Commission	*Amendment*
(4) At the same time, depending on the circumstances regarding its specific application and use, artificial intelligence may generate risks and cause harm to public interests and rights that are protected by Union law. Such harm might be material or immaterial.	(4) At the same time, depending on the circumstances regarding its specific application and use, artificial intelligence may generate risks and cause harm to public interests and rights that are protected by Union law. Such harm might be material or immaterial ***and might affect one or more persons, a groups of persons or society as a whole, as well as the environment***.

Or. en

Amendment 337
Jörgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation
Recital 4

Text proposed by the Commission	*Amendment*
(4) At the same time, depending on the circumstances regarding its specific application and use, artificial intelligence may generate risks and cause harm to public interests and rights that are protected by Union law. Such harm might be material or immaterial.	(4) At the same time, depending on the circumstances regarding its specific application and use, artificial intelligence may generate risks and cause harm to public ***and private*** interests and rights that are protected by Union law. Such harm might be material or immaterial.

Or. en

Amendment 338
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
Recital 4 a (new)

Text proposed by the Commission	*Amendment*
	(4 a) In order to ensure the dual green and digital transition, and secure the technological resilience of the EU, to reduce the carbon footprint of artificial intelligence and achieve the objectives of the new European Green Deal, this Regulation should contribute to the promotion of a green and sustainable artificial intelligence and to the consideration of the environmental impact of AI systems throughout their lifecycle. Sustainability should be at the core at the European artificial intelligence framework to guarantee that the development of artificial intelligence is compatible with sustainable development of environmental resources for current and future generations, at all stages of the lifecycle of artificial intelligence products; sustainability of artificial intelligence should encompass sustainable data sources, data centres, resource use, power supplies and infrastructure;

Or. en

Justification

As adopted in the ENVI opinion.

Amendment 339
Bettina Vollath

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission	*Amendment*
	(4 a) AI available in the Union market or otherwise affecting people in the Union should be designed human centered, so that people can trust that the technology is

used in a way that is safe and compliant with the law, including the respect of fundamental rights what requires a shift towards a Human Centered AI Engineering, also in research and education.

Or. en

Amendment 340
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission	*Amendment*
	(4 a) The concept of decision autonomy for machines is at its core in conflict with fundamental notions of our societies, such as human dignity, autonomy, and the rights to private life and the protection of personal data. This Regulation should reconcile the potential benefits to society offered by AI with the primacy of humans over machines;

Or. en

Amendment 341
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini, Brando Benifei

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission	*Amendment*
	(4 a) Given the major impact that artificial intelligence can have on society and the need to build trust, it is vital for artificial intelligence systems to respect the principles of fairness, accountability, transparency and accountability, privacy and security, and social benefit.

Amendment 342
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
Recital 4 b (new)

Text proposed by the Commission	*Amendment*
	(4 b) Despite the high potential of solutions to the environmental and climate crisis offered by artificial intelligence, the design, training and execution of algorithms imply a high energy consumption and, consequently, high levels of carbon emissions. Artificial intelligence technologies and data centres have a high carbon footprint due to increased computational energy consumption, and high energy costs due to the volume of data stored and the amount of heat, electric and electronic waste generated, thus resulting in increased pollution. These environmental and carbon footprints are expected to increase overtime as the volume of data transferred and stored and the increasing development of artificial intelligence applications will continue to grow exponentially in the years to come. It is therefore important to minimise the climate and environmental footprint of artificial intelligence and related technologies and that AI systems and associated machinery are designed sustainably to reduce resource usage and energy consumption, thereby limiting the risks to the environment.

Or. en

Justification

From the ENVI adopted opinion.

Amendment 343
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
Recital 4 c (new)

Text proposed by the Commission	*Amendment*
	(4 c) To promote the sustainable development of AI systems and in particular to prioritise the need for sustainable, energy efficient data centres, requirements for efficient heating and cooling of data centres should be consistent with the long-term climate and environmental standards and priorities of the Union and comply with the principle of 'do no significant harm' within the meaning of Article 17 of Regulation (EU) 2020/852 on the establishment of a framework to facilitate sustainable investment, and should be fully decarbonised by January 2050. In this regard, Member States and telecommunications providers should collect and publish information relating to the energy performance and environmental footprint for artificial intelligence technologies and date centres including information on the energy efficiency of algorithms to establish a sustainability indicator for artificial intelligence technologies. A European code of conduct for datacentre energy efficiency can establish key sustainability indicators to measure four basic dimensions of a sustainable data centre, namely, how efficiently it uses energy, the proportion of energy generated from renewable energy sources, the reuse of any waste and heat, and the usage of fresh water.

Or. en

Justification

From the ENVI adopted opinion.

Amendment 344
Karlo Ressler

Proposal for a regulation
Recital 5

Text proposed by the Commission	*Amendment*
(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time meets a high level of protection of public interests, such as health and safety and the protection of fundamental rights, as recognised and protected by Union law. To achieve that objective, rules regulating the placing on the market and putting into service of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by the European Council[33] , and it ensures the protection of ethical principles, as specifically requested ***by the European Parliament***[34] .	(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time meets a high level of protection of public interests, such as health and safety and the protection of fundamental rights, as recognised and protected by Union law. To achieve that objective, rules regulating the placing on the market and putting into service of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. ***These rules should be supportive to new innovative solutions and robust in protecting fundamental rights of all the actors.*** By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by the European Council, and it ensures the protection of ethical principles, as specifically requested***. One of the fundamental principles of this legislative framework is that there is no doubt between the protection of fundamental rights or the support of innovation, since this Regulation provides rules that adequately address both of mentioned priorities***.

[33] European Council, Special meeting of the European Council (1 and 2 October 2020) – Conclusions, EUCO 13/20, 2020, p. 6.

[34] European Parliament resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies, 2020/2012(INL).

Or. en

Amendment 345
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
Recital 5

Text proposed by the Commission	*Amendment*
(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time meets a high level of protection of public interests, such as health and safety ***and*** the protection of fundamental rights, as recognised and protected by Union law. To achieve that objective, rules regulating the placing on the market ***and*** putting into service of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by the European Council[33] , and it ensures the protection of ethical principles, as specifically requested	(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time meets a high level of protection of public interests, such as health and safety***,*** the protection of fundamental rights, as recognised and protected by Union law***, the environment and the Union values enshrined in Article 2 TEU***. To achieve that objective, rules regulating the ***development, the*** placing on the market***, and the*** putting into service ***and the use*** of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by

by the European Parliament[34] .

the European Council[33], and it ensures the protection of ethical principles, as specifically requested by the European Parliament[34].

[33] European Council, Special meeting of the European Council (1 and 2 October 2020) – Conclusions, EUCO 13/20, 2020, p. 6.

[34] European Parliament resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies, 2020/2012(INL).

[33] European Council, Special meeting of the European Council (1 and 2 October 2020) – Conclusions, EUCO 13/20, 2020, p. 6.

[34] European Parliament resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies, 2020/2012(INL).

Or. en

Amendment 346
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Recital 5

Text proposed by the Commission	*Amendment*
(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time meets a high level of protection of public interests, such as health and safety and the protection of fundamental rights, as recognised and protected by Union law. To achieve that objective, rules regulating the placing on the market and putting into service of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by the European	(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time meets a high level of protection of public interests, such as health and safety and the protection of fundamental rights, as recognised and protected by Union law. To achieve that objective, rules regulating the placing on the market and putting into service of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. ***Furthermore, clear rules supporting the application and design of AI systems should be laid down, thus enabling a European ecosystem of public and private actors creating AI systems in line with***

Council[33] , and it ensures the protection of ethical principles, as specifically requested by the European Parliament[34] .	***European values.*** By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by the European Council[33], and it ensures the protection of ethical principles, as specifically requested by the European Parliament[34].
[33] European Council, Special meeting of the European Council (1 and 2 October 2020) – Conclusions, EUCO 13/20, 2020, p. 6.	[33] European Council, Special meeting of the European Council (1 and 2 October 2020) – Conclusions, EUCO 13/20, 2020, p. 6.
[34] European Parliament resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies, 2020/2012(INL).	[34] European Parliament resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies, 2020/2012(INL).

Or. en

Amendment 347
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 5

Text proposed by the Commission	*Amendment*
(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time ***meets*** a high level of protection of public interests, such as health and safety and the protection of fundamental rights, as recognised and protected by Union law. To achieve that objective, rules regulating the placing on the market and putting into service of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free	(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time ***guarantees*** a high level of protection of public interests, such as health and safety and the protection of fundamental rights, as recognised and protected by Union law ***as well as the environment, society, rule of law and democracy, economic interests and consumer protection***. To achieve that objective, rules regulating the placing on the market and putting into service of certain AI systems should be laid down,

movement of goods and services. By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by the European Council[33] , and it ensures the protection of ethical principles, as specifically requested by the European Parliament[34] .

thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by the European Council[33] , and it ensures the protection of ethical principles, as specifically requested by the European Parliament[34] .

[33] European Council, Special meeting of the European Council (1 and 2 October 2020) – Conclusions, EUCO 13/20, 2020, p. 6.

[34] European Parliament resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies, 2020/2012(INL).

[33] European Council, Special meeting of the European Council (1 and 2 October 2020) – Conclusions, EUCO 13/20, 2020, p. 6.

[34] European Parliament resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies, 2020/2012(INL).

Or. en

Amendment 348
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Dita Charanzová, Andrus Ansip, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Catharina Rinzema, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation
Recital 5

Text proposed by the Commission	*Amendment*
(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time meets a high level of protection of public interests, such as health and safety and the protection of fundamental rights, as recognised and protected by Union law. To achieve that objective, rules regulating the placing on the market and putting into service of	(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time meets a high level of protection of public interests, such as health and safety and the protection of fundamental rights, as recognised and protected by Union law. To achieve that objective, rules regulating the placing on the market and putting into service of

certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by the European Council[33] , and it ensures the protection of ethical principles, as specifically requested by the European Parliament[34] .

[33] European Council, Special meeting of the European Council (1 and 2 October 2020) – Conclusions, EUCO 13/20, 2020, p. 6.

[34] European Parliament resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies, 2020/2012(INL).

certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. By laying down those rules ***as well as measures in support of innovation with a particular focus on SMEs and start-ups***, this Regulation supports the objective of the Union of being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by the European Council[33] , and it ensures the protection of ethical principles, as specifically requested by the European Parliament[34] .

[33] European Council, Special meeting of the European Council (1 and 2 October 2020) – Conclusions, EUCO 13/20, 2020, p. 6.

[34] European Parliament resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies, 2020/2012(INL).

Or. en

Amendment 349
Marion Walsmann

Proposal for a regulation
Recital 5

Text proposed by the Commission	*Amendment*
(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time meets a high level of protection of public interests, such as health and safety and the protection of fundamental rights, as recognised and protected by Union law. To achieve that	(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time meets a high level of protection of public interests, such as health and safety and the protection of fundamental rights, as recognised and protected by Union law. To achieve that

objective, rules regulating the placing on the market and putting into service of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by the European Council[33] , and it ensures the protection of ethical principles, as specifically requested by the European Parliament[34] .

objective, rules regulating the placing on the market and putting into service of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. By laying down those rules, this Regulation supports the objective of the Union of ***promoting the "AI made in Europe" and*** being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by the European Council[33] , and it ensures the protection of ethical principles, as specifically requested by the European Parliament[34] .

[33] European Council, Special meeting of the European Council (1 and 2 October 2020) – Conclusions, EUCO 13/20, 2020, p. 6.

[34] European Parliament resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies, 2020/2012(INL).

[33] European Council, Special meeting of the European Council (1 and 2 October 2020) – Conclusions, EUCO 13/20, 2020, p. 6.

[34] European Parliament resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies, 2020/2012(INL).

Or. en

Amendment 350
Petar Vitanov, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time meets a high level of protection of public interests, such as ***health and safety and*** the protection of fundamental rights, as recognised and

Amendment

(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time meets a high level of protection of public interests, such as the protection of fundamental rights***, health and safety***, as recognised and protected by

protected by Union law. To achieve that objective, rules regulating the placing on the market ***and*** putting into service of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by the European Council[33] , and it ensures the protection of ethical principles, as specifically requested by the European Parliament[34] .

[33] European Council, Special meeting of the European Council (1 and 2 October 2020) – Conclusions, EUCO 13/20, 2020, p. 6.

[34] European Parliament resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies, 2020/2012(INL).

Union law. To achieve that objective, rules regulating the ***development, the*** placing on the market***,*** putting into service ***and the use*** of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by the European Council[33] , and it ensures the protection of ethical principles, as specifically requested by the European Parliament[34] .

[33] European Council, Special meeting of the European Council (1 and 2 October 2020) – Conclusions, EUCO 13/20, 2020, p. 6.

[34] European Parliament resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies, 2020/2012(INL).

Or. en

Amendment 351
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 5

Text proposed by the Commission	*Amendment*
(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time meets a high level of protection of public interests, such as health and ***safety*** and the protection of fundamental rights, as recognised and protected by Union law. To achieve that	(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time meets a high level of protection of public interests, such as health and ***the environment*** and the protection of fundamental rights ***and values***, as recognised and protected by

objective, rules regulating the placing on the market and putting into service of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by the European Council[33] , and it ensures the protection of ethical principles, as specifically requested by the European Parliament[34] .

Union law. To achieve that objective, rules regulating the placing on the market and putting into service of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by the European Council[33] , and it ensures the protection of ethical principles, as specifically requested by the European Parliament[34] .

[33] European Council, Special meeting of the European Council (1 and 2 October 2020) – Conclusions, EUCO 13/20, 2020, p. 6.

[34] European Parliament resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies, 2020/2012(INL).

[33] European Council, Special meeting of the European Council (1 and 2 October 2020) – Conclusions, EUCO 13/20, 2020, p. 6.

[34] European Parliament resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies, 2020/2012(INL).

Or. en

Amendment 352
Jörgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation
Recital 5

Text proposed by the Commission	*Amendment*
(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time meets a high level of protection of public interests, such as health and safety and the protection of fundamental rights, as recognised and protected by Union law. To achieve that	(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time meets a high level of protection of public ***and private*** interests, such as health and safety and the protection of fundamental rights, as recognised and protected by Union law. To achieve that

objective, rules regulating the placing on the market and putting into service of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by the European Council[33] , and it ensures the protection of ethical principles, as specifically requested by the European Parliament[34] .

[33] European Council, Special meeting of the European Council (1 and 2 October 2020) – Conclusions, EUCO 13/20, 2020, p. 6.

[34] European Parliament resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies, 2020/2012(INL).

objective, rules regulating the placing on the market and putting into service of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by the European Council[33] , and it ensures the protection of ethical principles, as specifically requested by the European Parliament[34] .

[33] European Council, Special meeting of the European Council (1 and 2 October 2020) – Conclusions, EUCO 13/20, 2020, p. 6.

[34] European Parliament resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies, 2020/2012(INL).

Or. en

Amendment 353
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission	*Amendment*
	(5 a) Furthermore, in order to foster the development of artificial intelligence in line with Union values, the Union needs to address the main gaps and barriers blocking the potential of the digital transformation including the shortage of digitally skilled workers, cybersecurity concerns, lack of investment and access to investment, and existing and potential gaps between large companies, SME's and start-ups. Special attention should be

paid to ensuring that the benefits of AI and innovation in new technologies are felt across all regions of the Union and that sufficient investment and resources are provided especially to those regions that may be lagging behind in some digital indicators.

Or. en

Amendment 354
Vincenzo Sofo, Kosma Złotowski

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission	*Amendment*
	(5 a) The regulatory framework addressing artificial intelligence should be without prejudice to existing and future Union laws concerning data protection, privacy, and protection of fundamental rights. In this regard, requirements of this Regulation should be consistent with the aims and objectives of, among others, the GDPR and the EUDPR. Where this Regulation addresses automated processing within the context of article 22 of the GDPR, the requirements contained in that article should continue to apply, ensuring the highest levels of protection for European citizens over the use of their personal data.

Or. en

Amendment 355
Marion Walsmann

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission	*Amendment*

(5 a) The Union legal framework for AI should respect existing sector specific legislations and create legal certainty by avoiding duplication and additional administrative burden;

Or. en

Amendment 356
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Recital 5 b (new)

Text proposed by the Commission	*Amendment*
	(5 b) To ensure the development of secure, trustworthy and ethical AI, the European Commission established the High-Level Expert Group on Artificial Intelligence. In formulating both Ethics guidelines for Trustworthy AI and a corresponding Assessment List for Trustworthy Artificial Intelligence, this independent group solidified the foundational ambition for 'Trustworthy AI'. As noted by the group, Trustworthiness is a prerequisite for people, societies and companies to develop, deploy and use AI systems. Without AI systems – and the human beings behind them – being demonstrably worthy of trust, serious and unwanted consequences may ensue and the uptake of AI might be hindered, preventing the realisation of the potentially vast social and economic benefits that trustworthy AI systems can bring. This approach should be seen as the basis of a European approach to both ensure and scale AI that is innovative and ethical.

Or. en

Amendment 357
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Recital 6

Text proposed by the Commission	*Amendment*
(6) The notion of AI system should be clearly defined to ensure legal certainty, while providing the flexibility to accommodate future technological developments. The definition should be based on the key functional characteristics of the ***software***, in particular ***the*** ability, for a given set of human-defined objectives, to ***generate outputs such as content,*** predictions, recommendations, or decisions ***which*** influence ***the environment with which the system interacts***, ***be it in a physical or digital dimension***. AI systems ***can be*** designed to operate with varying levels of autonomy and be used on a stand-alone ***basis or as a component of a product, irrespective of whether the*** system ***is physically*** integrated into ***the*** product (embedded) ***or*** serve the functionality of ***the*** product without being integrated therein (non-embedded)***. The definition of*** AI system ***should be complemented by a list of specific techniques and approaches used for its development***, which ***should be kept up-to–date in the light of market and technological developments through the adoption of delegated acts by the Commission to amend that list***.	(6) The notion of AI system should be clearly defined to ensure legal certainty, while providing the flexibility to accommodate future technological developments. ***This definition should be in line with definitions that have found international acceptance. Moreover, it should be based on the key functional characteristics of artificial intelligence distinguishing it from more classic software systems and modelling approaches such as logistic regression and other techniques that are similarly transparent, explainable and interpretable. For the purposes of this Regulation,*** the definition should be based on the key functional characteristics of the ***AI system***, in particular ***its*** ability, for a given set of human-defined objectives, to ***make*** predictions, recommendations, or decisions ***that*** influence ***real or virtual environments, whereby it uses machine and/or human-based data and inputs to (i) perceive real and/or virtual environments; (ii) abstract these perceptions into models through analysis in an automated manner (e.g. with machine learning)***, ***or manually; and (iii) use model inference to formulate options for outcomes***. AI systems ***are*** designed to operate with varying levels of autonomy and ***can*** be used on a stand-alone ***software*** system***,*** integrated into ***a physical*** product (embedded)***, used to*** serve the functionality of ***a physical*** product without being integrated therein (non-embedded) ***or used as a subsystem of a software/physical/hybrid system of systems. If an*** AI system ***is used as a subsystem of a system of systems***, ***then all parts including their interfaces to other parts of the system of systems that would be obsolete if the AI functionality were turned off or removed are essential parts***

of the AI system thus fall directly under this regulation. Any parts of the system of systems to which ***this does not hold true are not covered by this regulation and the obligations listed in this regulation do not apply to them. This is to ensure that the integration of AI systems into existing systems is not blocked by this regulation***.

Or. en

Amendment 358
Svenja Hahn, Nicola Beer, Dita Charanzová, Andrus Ansip, Morten Løkkegaard, Vlad-Marius Botoş, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation
Recital 6

Text proposed by the Commission	*Amendment*
(6) The notion of AI system should be clearly defined to ensure legal certainty, while providing the flexibility to accommodate future technological developments. The definition should be based on the key functional characteristics of ***the software***, in particular the ability, for a given set of human-defined objectives, to generate outputs such as content, predictions, recommendations, or decisions which influence ***the environment with which the system interacts, be it in a*** physical or digital ***dimension***. AI systems can be designed to operate with varying levels of autonomy and be used on a stand-alone basis or as a component of a product, irrespective of whether the system is physically integrated into the product (embedded) or serve the functionality of the product without being integrated therein (non-embedded). The definition of AI system should be complemented by a list of specific techniques and approaches used for its development, which should be kept up-to–date in the light of market and technological developments through the adoption of delegated acts by the	(6) The notion of AI system should be clearly defined to ensure legal certainty, while providing the flexibility to accommodate future technological developments. ***Therefore, the term AI system should be defined in line with internationally accepted definitions.*** The definition should be based on the key functional characteristics of ***AI systems***, in particular the ability, for a given set of human-defined objectives, to generate outputs such as content, predictions, recommendations, or decisions which influence ***their*** physical or digital ***environment***. AI systems can be designed to operate with varying levels of autonomy and be used on a stand-alone basis or as a component of a product, irrespective of whether the system is physically integrated into the product (embedded) or serve the functionality of the product without being integrated therein (non-embedded). The definition of AI system should be complemented by a list of specific techniques and approaches used for its development, which should be kept up-to–date in the light of market and technological developments through the

Commission to amend that list.	adoption of delegated acts by the Commission to amend that list. ***In order to ensure alignment of definitions on an international level, the European Commission should engage in a dialogue with international organisations such as the Organisation for Economic Cooperation and Development (OECD), should their definitions of the term 'AI system' be adjusted.***

Or. en

Amendment 359
Petar Vitanov, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation
Recital 6

Text proposed by the Commission	*Amendment*
(6) The notion of AI system should be clearly defined to ensure legal certainty, while providing the flexibility to accommodate future technological developments. The definition should be based on the key functional characteristics of the software, in particular the ability***, for a given set of human-defined objectives***, to generate outputs such as content, predictions, recommendations, or decisions which influence the environment with which the system interacts, be it in a physical or digital dimension. AI systems can be designed to operate with varying levels of autonomy and be used on a stand-alone basis or as a component of a product, irrespective of whether the system is physically integrated into the product (embedded) or serve the functionality of the product without being integrated therein (non-embedded). ***The definition of AI system should be complemented by a list of specific techniques and approaches used for its development, which should be kept up-to–date in the light of market and technological developments through the***	(6) The notion of AI system should be clearly defined to ensure legal certainty, while providing the flexibility to accommodate future technological developments. The definition should be based on the key functional characteristics of the software, in particular the ability ***to perceive, reason and act on machine and/or human-based inputs***, to generate outputs such as content***, hypotheses***, predictions, recommendations, or decisions which influence the environment with which the system interacts, be it in a physical or digital dimension. AI systems can be designed to operate with varying levels of autonomy and be used on a stand-alone basis or as a component of a product, irrespective of whether the system is physically integrated into the product (embedded) or serve the functionality of the product without being integrated therein (non-embedded).

adoption of delegated acts by the Commission to amend that list.

Or. en

Amendment 360
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
Recital 6

Text proposed by the Commission	*Amendment*
(6) The notion of AI system should be clearly defined to ensure legal certainty, while providing the flexibility to accommodate future technological developments. The definition should be based on the key functional characteristics of the software, in particular the ability***, for a given set of human-defined objectives,*** to generate outputs such as content, predictions, recommendations, or decisions which influence the environment with which the system interacts, be it in a physical or digital dimension. AI systems can be designed to operate with varying levels of autonomy and be used on a stand-alone basis or as a component of a product, irrespective of whether the system is physically integrated into the product (embedded) or serve the functionality of the product without being integrated therein (non-embedded). ***The definition of AI system should be complemented by a list of specific*** techniques ***and*** approaches ***used for its development, which should be kept up-to–date in the light of market and technological developments through the adoption of delegated acts by the Commission to amend that list***.	(6) The notion of AI system should be clearly defined to ensure legal certainty, while providing the flexibility to accommodate future technological developments. The definition should be based on the key functional characteristics of the software, in particular the ability to generate outputs such as content, predictions, recommendations, or decisions which influence the environment with which the system interacts, be it in a physical or digital dimension. AI systems can be designed to operate with varying levels of autonomy and be used on a stand-alone basis or as a component of a product, irrespective of whether the system is physically integrated into the product (embedded) or serve the functionality of the product without being integrated therein (non-embedded). ***AI systems can be developed through various*** techniques ***using learning, reasoning or modelling, such as: machine learning*** approaches***, including supervised, unsupervised and reinforcement learning, using a wide variety of methods including deep learning; logic- and knowledge-based approaches, including knowledge representation, inductive (logic) programming, knowledge bases, inference and deductive engines, (symbolic) reasoning and expert systems; statistical approaches, Bayesian estimation, search***

and optimization methods.

Or. en

Justification

To ensure a future-proof Regulation and legal certainty, it is more appropriate to list the techniques in this recital and delete Annex I, to remove the need for updates and the risk of loopholes.

Amendment 361
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation
Recital 6

Text proposed by the Commission	*Amendment*
(6) The notion of AI system should be clearly defined to ensure legal certainty, while providing the flexibility to accommodate future technological developments. The definition should be based on the key functional characteristics of the software, in particular the ability, for a given set of ***human-defined objectives***, to generate outputs such as content, predictions, recommendations, or decisions which influence the environment with which the system interacts, be it in a physical or digital dimension. AI systems can be designed to operate with varying levels of autonomy and be used on a stand-alone basis or as a component of a product, irrespective of whether the system is physically integrated into the product (embedded) or serve the functionality of the product without being integrated therein (non-embedded). The definition of AI system should be complemented by a list of specific techniques and approaches used for its development, which should be kept up-to–date in the light of market and technological developments through the adoption of delegated acts by the Commission to amend that list.	(6) The notion of AI system should be clearly defined to ensure legal certainty, while providing the flexibility to accommodate future technological developments. The definition should be based on the key functional characteristics of the software, in particular the ability, for a given set of ***objectives or parameters which have human control at their origin***, to generate outputs such as content, predictions, recommendations, or decisions which influence the environment with which the system interacts, be it in a physical or digital dimension. AI systems can be designed to operate with varying levels of autonomy and be used on a stand-alone basis or as a component of a product, irrespective of whether the system is physically integrated into the product (embedded) or serve the functionality of the product without being integrated therein (non-embedded). The definition of AI system should be complemented by a list of specific techniques and approaches used for its development, which should be kept up-to–date in the light of market and technological developments through the adoption of delegated acts by the Commission to amend that list. ***These***

delegated acts should consist only of additions to the list of techniques used.

Or. fr

Amendment 362
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 6

Text proposed by the Commission	*Amendment*
(6) The notion of AI system should be clearly defined to ensure legal certainty, while providing the flexibility to accommodate future technological developments. The definition should be based on the key functional characteristics of the ***software***, in particular the ability, for a given set of ***human-defined*** objectives, to generate outputs such as content, predictions, recommendations, or decisions ***which influence the environment with which the system interacts, be it in a physical or digital dimension***. AI systems can be designed to operate with varying levels of autonomy and be used on a stand-alone basis or as a component of a product, irrespective of whether the system is physically integrated into the product (embedded) or serve the functionality of the product without being integrated therein (non-embedded). The definition of AI system should be complemented by a list of specific techniques and approaches used for its development, which should be kept up-to–date in the light of market and technological developments through the adoption of delegated acts by the Commission to amend that list.	(6) The notion of AI system should be clearly defined to ensure legal certainty, while providing the flexibility to accommodate future technological developments. The definition should be based on the key functional characteristics of the ***system***, in particular the ability, for a given set of objectives, to generate outputs such as content, predictions, recommendations, or decisions. AI systems can be designed to operate with varying levels of autonomy and be used on a stand-alone basis or as a component of a product, irrespective of whether the system is physically integrated into the product (embedded) or serve the functionality of the product without being integrated therein (non-embedded). The definition of AI system should be complemented by a list of specific techniques and approaches used for its development, which should be kept up-to–date in the light of market and technological developments through the adoption of delegated acts by the Commission to amend that list.

Or. en

Justification

AI systems are neither necessarily software or hardware, the distinction of which may be less

relevant in the light of more current technological developments.

Amendment 363
Marion Walsmann

Proposal for a regulation
Recital 6

Text proposed by the Commission	*Amendment*
(6) The notion of AI system should be clearly defined to ensure legal certainty, while providing the flexibility to accommodate future technological developments. The definition should be based on the key functional characteristics of the software, in particular the ability, for a given set of human-defined objectives, to generate outputs such as content, predictions, recommendations, or decisions which influence the environment with which the system interacts, be it in a physical or digital dimension. AI systems can be designed to operate with varying levels of autonomy and be used on a stand-alone basis or as a component of a product, irrespective of whether the system is physically integrated into the product (embedded) or serve the functionality of the product without being integrated therein (non-embedded). The definition of AI system should be complemented by a list of specific techniques and approaches used for its development, which should be kept up-to–date in the light of market and technological developments through the adoption of delegated acts by the Commission to amend that list.	(6) The notion of AI system should be clearly defined to ensure legal certainty, while providing the flexibility to accommodate ***existing harmless applications and*** future technological developments. The definition should be based on the key functional characteristics of the software, in particular the ability, for a given set of human-defined objectives, to generate outputs such as content, predictions, recommendations, or decisions which influence the environment with which the system interacts, be it in a physical or digital dimension. AI systems can be designed to operate with varying levels of autonomy and be used on a stand-alone basis or as a component of a product, irrespective of whether the system is physically integrated into the product (embedded) or serve the functionality of the product without being integrated therein (non-embedded). The definition of AI system should be complemented by a list of specific techniques and approaches used for its development, which should be kept up-to–date in the light of market and technological developments through the adoption of delegated acts by the Commission to amend that list.

Or. en

Amendment 364
Karlo Ressler

Proposal for a regulation

Recital 6

Text proposed by the Commission	*Amendment*
(6) The notion of AI system should be clearly defined to ensure legal certainty, while providing the flexibility to accommodate future technological developments. The definition should be ***based on the key functional characteristics of the software, in particular the ability, for a given set of human-defined objectives, to generate outputs such as content, predictions, recommendations, or decisions which influence the environment with which the system interacts, be it in a physical or digital dimension***. AI systems can be designed to operate with varying levels of autonomy and be used on a stand-alone basis or as a component of a product, irrespective of whether the system is physically integrated into the product (embedded) or serve the functionality of the product without being integrated therein (non-embedded). The definition of AI system should be complemented by a list of specific techniques and approaches used for its development, which should be kept up-to–date in the light of market and technological developments through the adoption of delegated acts by the Commission to amend that list.	(6) The notion of AI system should be clearly defined to ensure legal certainty, while providing the flexibility to accommodate future technological developments. The definition should be ***aligned with internationally accepted approach***. AI systems can be designed to operate with varying levels of autonomy and be used on a stand-alone basis or as a component of a product, irrespective of whether the system is physically integrated into the product (embedded) or serve the functionality of the product without being integrated therein (non-embedded). The definition of AI system should be complemented by a list of specific techniques and approaches used for its development, which should be kept up-to–date in the light of market and technological developments through the adoption of delegated acts by the Commission to amend that list. ***The Commission should engage in dialogue with key international organizations, so that the common international standards could be achieved to the highest possible extent.***

Or. en

Amendment 365
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission	*Amendment*
	(6 a) Defining AI systems is an ongoing process that should take into account the context in which AI operates, keep pace with societal developments in this field

and not lose sight of the link between the ecosystem of excellence and the ecosystem of trust. The definition of AI system should be complemented by a list of specific techniques and approaches used for its development, which should be kept up-to–date in the light of market and technological developments through the adoption of delegated acts by the Commission to amend that list. In the drafting process of these delegated acts, the Commission shall insure the input of all relevant stakeholders including the technical experts and developers of AI systems. This consultation can take place through existing bodies such as the High Level Expert Group on AI or a newly established similar advisory body that is closely included in the work of the European Artificial Intelligence Board. Should the definition of 'AI system' from the OECD be adjusted in the coming years, the European Commission should engage in dialogue with these organisations to ensure alignment between the two definitions. Should the AI Act still be undergoing legislative procedure, the co-legislators should consider these latest developments during the legislative process, so as to ensure alignment, legal clarity and broad international acceptance of the AI Act Definition of 'AI Systems'.

Or. en

Amendment 366
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Recital 6 b (new)

Text proposed by the Commission	*Amendment*
	(6 b) Taking into account the work of International Standardisation Organisations, it is important to highlight the differences as well as the connection

between Automation, Heteronomy and Autonomy. Experts speak of an automated system with different levels of automation instead of levels of autonomy. Autonomy is understood as the highest level of automation. An autonomous AI system would be capable to change its scope or its goals independently. However, today's AI technologies do not allow full autonomy yet and are not self-governing. Instead, they operate based on algorithms and otherwise obey the commands of operators. A fully autonomous AI system would be a genuine General or Super AI. Despite these restrictions, this Regulation will use the term "autonomy" as it is a key element of international accepted definitions.

Or. en

Amendment 367
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 7

Text proposed by the Commission	*Amendment*
(7) The notion of biometric data used in this Regulation is in line with and should be interpreted consistently with the notion of biometric data as defined in Article 4(14) of Regulation (EU) 2016/679 of the European Parliament and of the Council[35] , Article 3(18) of Regulation (EU) 2018/1725 of the European Parliament and of the Council[36] and Article 3(13) of Directive (EU) 2016/680 of the European Parliament and of the Council[37] .	(7) The notion of biometric data used in this Regulation is in line with and should be interpreted consistently with the notion of biometric data as defined in Article 4(14) of Regulation (EU) 2016/679 of the European Parliament and of the Council[35] , Article 3(18) of Regulation (EU) 2018/1725 of the European Parliament and of the Council[36] and Article 3(13) of Directive (EU) 2016/680 of the European Parliament and of the Council[37] . ***An additional definition has been added for 'biometrics-based data' to cover physical, physiological or behavioural data that may not meet the criteria to be defined as biometric data (i.e. would not allow or confirm the unique identification of a natural person) but which may be used for purposes such as emotion recognition***

or biometric categorisation. The addition of this definition does not narrow the scope of, nor exclude anything from, the definition of biometric data, but rather provides for a comprehensive scope for additional forms of data which may be used for purposes such as biometric categorisation but which would not allow or confirm unique identification.

[35] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 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) (OJ L 119, 4.5.2016, p. 1).

[36] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39)

[37] Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (Law Enforcement Directive) (OJ L 119, 4.5.2016, p. 89).

[35] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 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) (OJ L 119, 4.5.2016, p. 1).

[36] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39)

[37] Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (Law Enforcement Directive) (OJ L 119, 4.5.2016, p. 89).

Or. en

Amendment 368
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 7

Text proposed by the Commission	*Amendment*
(7) The notion of biometric data used in this Regulation is in line with and should be interpreted consistently with the notion of biometric data as defined in Article 4(14) of Regulation (EU) 2016/679 of the European Parliament and of the Council[35] , Article 3(18) of Regulation (EU) 2018/1725 of the European Parliament and of the Council[36] and Article 3(13) of Directive (EU) 2016/680 of the European Parliament and of the Council[37] .	(7) The notion of biometric data used in this Regulation is in line with and should be interpreted consistently with the notion of biometric data as defined in Article 4(14) of Regulation (EU) 2016/679 of the European Parliament and of the Council[35] , Article 3(18) of Regulation (EU) 2018/1725 of the European Parliament and of the Council[36] and Article 3(13) of Directive (EU) 2016/680 of the European Parliament and of the Council[37] . ***An additional definition has been added for 'biometrics-based data' to cover physical, physiological or behavioural data that may not meet the criteria to be defined as biometric data (i.e. would not allow or confirm the unique identification of a natural person) but which may be used for purposes such as emotion recognition or biometric categorisation. The addition of this definition does not narrow the scope of, nor exclude anything from, the definition of biometric data, but rather provides for a comprehensive scope for additional forms of data which may be used for purposes such as biometric categorisation but which would not allow or confirm unique identification.***
[35] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 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) (OJ L 119, 4.5.2016, p. 1).	[35] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 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) (OJ L 119, 4.5.2016, p. 1).
[36] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies	[36] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies

and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39)

[37] Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (Law Enforcement Directive) (OJ L 119, 4.5.2016, p. 89).

and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39)

[37] Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (Law Enforcement Directive) (OJ L 119, 4.5.2016, p. 89).

Or. en

Amendment 369
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation
Recital 7

Text proposed by the Commission	*Amendment*
(7) The notion of biometric data used in this Regulation is ***in line with and should be interpreted consistently with the notion of biometric data as*** defined in Article 4(14) of Regulation (EU) 2016/679 of the European Parliament and of the Council[35] ***, Article 3(18) of Regulation (EU) 2018/1725 of the European Parliament and of the Council[36] and Article 3(13) of Directive (EU) 2016/680 of the European Parliament and of the Council***[37] .	(7) The notion of biometric data used in this Regulation is ***the same as that*** defined in Article 4(14) of Regulation (EU) 2016/679 of the European Parliament and of the Council[35].
[35] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of	[35] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 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) (OJ L 119, 4.5.2016, p. 1).

[36] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39)

[37] Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (Law Enforcement Directive) (OJ L 119, 4.5.2016, p. 89).

such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

Or. en

Amendment 370
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 7

Text proposed by the Commission	*Amendment*
(7) The notion of biometric data used in this Regulation is in line with and should be interpreted consistently with the notion of biometric data as defined in Article 4(14) of Regulation (EU) 2016/679 of the European Parliament and of the Council[35] , Article 3(18) of Regulation (EU) 2018/1725 of the European Parliament and of the Council[36] and Article 3(13) of	(7) The notion of biometric data used in this Regulation is in line with and should be interpreted consistently with the notion of biometric data as defined in Article 4(14) of Regulation (EU) 2016/679 of the European Parliament and of the Council[35] , Article 3(18) of Regulation (EU) 2018/1725 of the European Parliament and of the Council[36] and Article 3(13) of

Directive (EU) 2016/680 of the European Parliament and of the Council[37] .	Directive (EU) 2016/680 of the European Parliament and of the Council[37] . ***The notion of "biometrics-based data" is broader, covering situations where the data in question may not, of itself, confirm the unique identification of an individual.***
[35] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 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) (OJ L 119, 4.5.2016, p. 1).	[35] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 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) (OJ L 119, 4.5.2016, p. 1).
[36] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39)	[36] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39)
[37] Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (Law Enforcement Directive) (OJ L 119, 4.5.2016, p. 89).	[37] Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (Law Enforcement Directive) (OJ L 119, 4.5.2016, p. 89).
	Or. en

Amendment 371
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Recital 8

Text proposed by the Commission	*Amendment*
(8) The notion of ***remote*** biometric identification system as used in this Regulation should be defined functionally, as an AI system ***intended*** for the identification of natural persons ***at a distance*** through the comparison of a person's biometric data with the biometric data contained in a reference database, ***and without prior knowledge whether the targeted person will be present and can be identified,*** irrespectively of the particular technology, processes or types of biometric data used. ***Considering their different characteristics and manners in which they are used, as well as the different risks involved, a distinction should be made between 'real-time' and 'post' remote biometric identification systems. In the case of 'real-time' systems, the capturing of the biometric data, the comparison and the identification occur all instantaneously, near-instantaneously or in any event without a significant delay. In this regard, there should be no scope for circumventing the rules of this Regulation on the 'real-time' use of the AI systems in question by providing for minor delays. 'Real-time' systems involve the use of 'live' or 'near-'live' material, such as video footage, generated by a camera or other device with similar functionality. In the case of 'post' systems, in contrast, the biometric data have already been captured and the comparison and identification occur only after a significant delay. This involves material, such as pictures or video footage generated by closed circuit television cameras or private devices, which has been generated before the use of the system in respect of the natural persons concerned.***	(8) The notion of biometric identification system as used in this Regulation should be defined functionally, as an AI system ***performing automated recognition of physical, physiological, behavioural, and psychological human features,*** for the ***purpose of*** identification of natural persons through the comparison of a person's biometric data with the biometric data contained in a reference database, irrespectively of the particular technology, processes or types of biometric data used.

Or. en

Amendment 372
Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Marc Angel

Proposal for a regulation
Recital 8

Text proposed by the Commission	*Amendment*
(8) The notion of remote biometric identification system as used in this Regulation should be defined functionally, as an AI system intended for the identification of natural persons at a distance through the comparison of a person's biometric data with the biometric data contained in a reference database, and without prior knowledge whether the targeted person will be present and can be identified, irrespectively of the particular technology, processes or types of biometric data used. ***Considering their different characteristics and manners in which they are used, as well as the different risks involved, a distinction should be made between 'real-time' and 'post' remote biometric identification systems. In the case of 'real-time' systems, the capturing of the biometric data, the comparison and the identification occur all instantaneously, near-instantaneously or in any event without a significant delay. In this regard, there should be no scope for circumventing the rules of this Regulation on the 'real-time' use of the AI systems in question by providing for minor delays. 'Real-time' systems involve the use of 'live' or 'near-'live' material, such as video footage, generated by a camera or other device with similar functionality. In the case of 'post' systems, in contrast, the biometric data have already been captured and the comparison and identification occur only after a significant delay. This involves material, such as pictures or video footage generated by closed circuit television***	(8) The notion of remote biometric identification system as used in this Regulation should be defined functionally, as an AI system intended for the identification of natural persons at a distance through the comparison of a person's biometric data with the biometric data contained in a reference database, and without prior knowledge whether the targeted person will be present and can be identified, irrespectively of the particular technology, processes or types of biometric data used.

cameras or private devices, which has been generated before the use of the system in respect of the natural persons concerned.

Or. en

Amendment 373
Patrick Breyer

Proposal for a regulation
Recital 8

Text proposed by the Commission	*Amendment*
(8) The notion of remote biometric identification system as used in this Regulation should be defined functionally, as an AI system intended for the identification of natural persons at a distance through the comparison of a person's biometric data with the biometric data contained in a reference database, and without prior knowledge whether the targeted person will be present and can be identified, irrespectively of the particular technology, processes or types of biometric data used. ***Considering their different characteristics and manners in which they are used, as well as the different risks involved, a distinction should be made between 'real-time' and 'post'*** remote biometric identification ***systems. In the case of 'real-time' systems, the capturing of the biometric data, the comparison and the identification occur all instantaneously, near-instantaneously or in any event without a significant delay. In this regard, there should be no scope for circumventing the rules of this Regulation on the 'real-time' use of the AI systems in question by providing for minor delays. 'Real-time' systems involve the use of 'live' or 'near-'live' material, such as video footage, generated by a camera or other device with similar functionality. In the case of 'post' systems, in contrast, the biometric data***	(8) The notion of remote biometric identification system as used in this Regulation should be defined functionally, as an AI system intended for the identification of natural persons at a distance through the comparison of a person's biometric data with the biometric data contained in a reference database, and without prior knowledge whether the targeted person will be present and can be identified, irrespectively of the particular technology, processes or types of biometric data used. ***Because remote biometric identification relates to how a system is designed and installed, and not solely to whether or not data subjects have consented, this definition applies even when warning notices are placed in the location that is under the surveillance of the*** remote biometric identification system***, and is not de facto annulled by pre-enrolment***.

have already been captured and the comparison and identification occur only after a significant delay. This involves material, such as pictures or video footage generated by closed circuit television cameras or private devices, which has been generated before the use of the system ***in respect of the natural persons concerned***.

Or. en

Amendment 374
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Karen Melchior, Morten Løkkegaard, Vlad-Marius Botoş, Abir Al-Sahlani, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation
Recital 8

Text proposed by the Commission	*Amendment*
(8) The notion of remote biometric identification system as used in this Regulation should be defined functionally, as an AI system intended for the identification of natural persons at a distance through the comparison of a person's biometric data with the biometric data contained in a reference database, and without prior knowledge whether the targeted person will be present and can be identified, irrespectively of the particular technology, processes or types of biometric data used. Considering their different characteristics and manners in which they are used, as well as the different risks involved, a distinction should be made between 'real-time' and 'post' remote biometric identification systems. In the case of 'real-time' systems, the capturing of the biometric data, the comparison and the identification occur all instantaneously, near-instantaneously or in any event without a significant delay. In this regard, there should be no scope for circumventing the rules of this Regulation on the 'real-time' use of the AI systems in question by	(8) The notion of remote biometric identification system as used in this Regulation should be defined functionally, as an AI system intended for the identification of natural persons at a distance through the comparison of a person's biometric data with the biometric data contained in a reference database, and without prior knowledge whether the targeted person will be present and can be identified, irrespectively of the particular technology, processes or types of biometric data used. Considering their different characteristics and manners in which they are used, as well as the different risks involved, a distinction should be made between 'real-time' and 'post' remote biometric identification systems. In the case of 'real-time' systems, the capturing of the biometric data, the comparison and the identification occur all instantaneously, near-instantaneously or in any event without a significant delay. In this regard, there should be no scope for circumventing the rules of this Regulation on the 'real-time' use of the AI systems in question by

providing for minor delays. ‘Real-time’ systems involve the use of ‘live’ or ‘near-‘live’ material, such as video footage, generated by a camera or other device with similar functionality. In the case of ‘post’ systems, in contrast, the biometric data have already been captured and the comparison and identification occur only after a significant delay. This involves material, such as pictures or video footage generated by closed circuit television cameras or private devices, which has been generated before the use of the system in respect of the natural persons concerned.

providing for minor delays. ‘Real-time’ systems involve the use of ‘live’ or ‘near-‘live’ material, such as video footage, generated by a camera or other device with similar functionality. In the case of ‘post’ systems, in contrast, the biometric data have already been captured and the comparison and identification occur only after a significant delay. This involves material, such as pictures or video footage generated by closed circuit television cameras or private devices, which has been generated before the use of the system in respect of the natural persons concerned. ***The notion of remote biometric identification system shall not include verification or authentification systems whose sole purpose is to confirm that a specific natural person is the person he or she claims to be, and systems that are used to confirm the identity of a natural person for the sole purpose of having access to a service, a device or premises.***

Or. en

Amendment 375
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuță, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Karen Melchior, Svenja Hahn, Andrus Ansip, Dita Charanzová, Morten Løkkegaard, Alin Mituța

Proposal for a regulation
Recital 8

Text proposed by the Commission	*Amendment*
(8) The notion of remote biometric identification system as used in this Regulation should be defined functionally, as an AI system intended for the identification of natural persons at a distance through the comparison of a person’s biometric data with the biometric data contained in a reference database, and without prior knowledge whether the targeted person will be present and can be identified, irrespectively of the particular	(8) The notion of remote biometric identification system as used in this Regulation should be defined functionally, as an AI system intended for the identification of natural persons at a distance through the comparison of a person’s biometric data with the biometric data contained in a reference database, and without prior knowledge whether the targeted person will be present and can be identified, irrespectively of the particular

technology, processes or types of biometric data used. Considering their different characteristics and manners in which they are used, as well as the different risks involved, a distinction should be made between ‘real-time’ and ‘post’ remote biometric identification systems. In the case of ‘real-time’ systems, the capturing of the biometric data, the comparison and the identification occur all instantaneously, near-instantaneously or in any event without a significant delay. In this regard, there should be no scope for circumventing the rules of this Regulation on the ‘real-time’ use of the AI systems in question by providing for minor delays. ‘Real-time’ systems involve the use of ‘live’ or ‘near-‘live’ material, such as video footage, generated by a camera or other device with similar functionality. In the case of ‘post’ systems, in contrast, the biometric data have already been captured and the comparison and identification occur only after a significant delay. This involves material, such as pictures or video footage generated by closed circuit television cameras or private devices, which has been generated before the use of the system in respect of the natural persons concerned.	technology, processes or types of biometric data used. Considering their different characteristics and manners in which they are used, as well as the different risks involved, a distinction should be made between ‘real-time’ and ‘post’ remote biometric identification systems. In the case of ‘real-time’ systems, the capturing of the biometric data, the comparison and the identification occur all instantaneously, near-instantaneously or in any event without a significant delay. In this regard, there should be no scope for circumventing the rules of this Regulation on the ‘real-time’ use of the AI systems in question by providing for minor delays. ‘Real-time’ systems involve the use of ‘live’ or ‘near-‘live’ material, such as video footage, generated by a camera or other device with similar functionality. In the case of ‘post’ systems, in contrast, the biometric data have already been captured and the comparison and identification occur only after a significant delay. This involves material, such as pictures or video footage generated by closed circuit television cameras or private devices, which has been generated before the use of the system in respect of the natural persons concerned. ***The notion of remote biometric identification system shall not include authentification and verification systems whose purpose is to confirm, based on prior consent, that a specific natural person is the person he or she claims to be or to confirm the identity of a natural person for the purpose of having access to a service, a device or premises.***

Or. en

Amendment 376
Krzysztof Hetman, Adam Jarubas, Andrzej Halicki, Jerzy Buzek, Janusz Lewandowski, Radosław Sikorski

Proposal for a regulation
Recital 8

Text proposed by the Commission	*Amendment*
(8) The notion of remote biometric identification system as used in this Regulation should be defined functionally, as an AI system intended for the identification of natural persons at a distance through the comparison of a person's biometric data with the biometric data contained in a reference ***database***, and without prior knowledge whether the targeted person will be present and can be identified, irrespectively of the particular technology, processes or types of biometric data used. Considering their different characteristics and manners in which they are used, as well as the different risks involved, a distinction should be made between 'real-time' and 'post' ***remote*** biometric identification systems. In the case of 'real-time' systems, the capturing of the biometric data, the comparison and the identification occur all instantaneously, near-instantaneously or in any event without a significant delay. In this regard, there should be no scope for circumventing the rules of this Regulation on the 'real-time' use of the AI systems in question by providing for minor delays. 'Real-time' systems involve the use of 'live' or 'near-'live' material, such as video footage, generated by a camera or other device with similar functionality. In the case of 'post' systems, in contrast, the biometric data have already been captured and the comparison and identification occur only after a significant delay. This involves material, such as pictures or video footage generated by closed circuit television cameras or private devices, which has been generated before the use of the system in respect of the natural persons concerned.	(8) The notion of ***biometric identification system, including*** remote biometric identification system as used in this Regulation***,*** should be defined functionally, as an AI system intended for the identification of natural persons ***including*** at a distance through the comparison of a person's biometric data with the biometric data contained in a reference ***data repository, excluding verification/ authentication systems whose sole purpose is to confirm that a specific natural person is the person he or she claims to be, and systems that are used to confirm the identity of a natural person for the sole purpose of having access to a service, a device or premises***, and without prior knowledge whether the targeted person will be present and can be identified, irrespectively of the particular technology, processes or types of biometric data used. Considering their different characteristics and manners in which they are used, as well as the different risks involved, a distinction should be made between 'real-time' and 'post' biometric identification systems. In the case of 'real-time' systems, the capturing of the biometric data, the comparison and the identification occur all instantaneously, near-instantaneously or in any event without a significant delay. In this regard, there should be no scope for circumventing the rules of this Regulation on the 'real-time' use of the AI systems in question by providing for minor delays. 'Real-time' systems involve the use of 'live' or 'near-'live' material, such as video footage, generated by a camera or other device with similar functionality. In the case of 'post' systems, in contrast, the biometric data have already been captured and the comparison and identification occur only after a significant delay. This involves material, such as pictures or video footage generated by closed circuit television cameras or private devices, which has been generated before the use of the system in

respect of the natural persons concerned.

Or. en

Amendment 377
Kosma Złotowski, Patryk Jaki, Eugen Jurzyca, Adam Bielan

Proposal for a regulation
Recital 8

Text proposed by the Commission	*Amendment*
(8) The notion of remote biometric identification system as used in this Regulation should be defined functionally, as an AI system intended for the identification of natural persons at a distance through the comparison of a person's biometric data with the biometric data contained in a ***reference*** database, and without prior knowledge whether the targeted person will be present and can be identified, irrespectively of the particular technology, processes or types of biometric data used. Considering their different characteristics and manners in which they are used, as well as the different risks involved, a distinction should be made between 'real-time' and 'post' remote biometric identification systems. In the case of 'real-time' systems, the capturing of the biometric data, the comparison and the identification occur all instantaneously, near-instantaneously or in any event without a significant delay. In this regard, there should be no scope for circumventing the rules of this Regulation on the 'real-time' use of the AI systems in question by providing for minor delays. 'Real-time' systems involve the use of 'live' or 'near-'live' material, such as video footage, generated by a camera or other device with similar functionality. In the case of 'post' systems, in contrast, the biometric data have already been captured and the comparison and identification occur only after a significant delay. This involves material, such as pictures or video footage	(8) The notion of remote biometric identification system as used in this Regulation should be defined functionally, as an AI system intended for the identification of natural persons at a distance through the comparison of a person's biometric data with the biometric data contained in a database ***data repository, excluding verification/authentication systems whose sole purpose is to confirm that a specific natural person is the person he or she claims to be, and systems that are used to confirm the identity of a natural person for the sole purpose of having access to a service, a device or premises***, and without prior knowledge whether the targeted person will be present and can be identified, irrespectively of the particular technology, processes or types of biometric data used. Considering their different characteristics and manners in which they are used, as well as the different risks involved, a distinction should be made between 'real-time' and 'post' remote biometric identification systems. In the case of 'real-time' systems, the capturing of the biometric data, the comparison and the identification occur all instantaneously, near-instantaneously or in any event without a significant delay. In this regard, there should be no scope for circumventing the rules of this Regulation on the 'real-time' use of the AI systems in question by providing for minor delays. 'Real-time' systems involve the use of 'live' or 'near-'

generated by closed circuit television cameras or private devices, which has been generated before the use of the system in respect of the natural persons concerned.

'live' material, such as video footage, generated by a camera or other device with similar functionality. In the case of 'post' systems, in contrast, the biometric data have already been captured and the comparison and identification occur only after a significant delay. This involves material, such as pictures or video footage generated by closed circuit television cameras or private devices, which has been generated before the use of the system in respect of the natural persons concerned.

Or. en

Amendment 378
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 8

Text proposed by the Commission	*Amendment*
(8) The notion of remote biometric identification system as used in this Regulation should be defined functionally, as an AI system intended for the identification of natural persons at a distance through the comparison of a person's biometric data with the biometric data contained in a reference database, ***and without prior knowledge whether the targeted person will be present and can be identified,*** irrespectively of the particular technology, processes or types of biometric data used. ***Considering their different characteristics and manners in which they are used, as well as the different risks involved, a distinction should be made between 'real-time' and 'post'*** remote biometric identification ***systems. In the case of 'real-time'*** systems***, the capturing of the biometric data, the comparison and*** the identification ***occur all instantaneously, near-instantaneously or in any event*** without ***a significant delay. In this regard, there should be no scope***	(8) The notion of remote biometric identification system as used in this Regulation should be defined functionally, as an AI system intended for the identification of natural persons at a distance through the comparison of a person's biometric data with the biometric data contained in a reference database, irrespectively of the particular technology, processes or types of biometric data used. ***The notion of 'at a distance' in*** Remote Biometric Identification ***(RBI) means the use of*** systems ***as described in Article 3(36), at a distance great enough that the system has the capacity to scan multiple persons in its field of view (or the equivalent generalised scanning of online / virtual spaces), which would mean that*** the identification ***could happen*** without ***one or more*** of the ***data subjects' knowledge. Because RBI relates to how a system is designed and installed, and not solely to whether or not data subjects have consented, this definition applies even***

for circumventing the rules of this Regulation on the 'real-time' use of the ***AI systems in question by providing for minor delays. 'Real-time' systems involve the use of 'live' or 'near-'live' material, such as video footage, generated by a camera or other device with similar functionality.*** In the ***case of 'post' systems, in contrast, the biometric data have already been captured and the comparison and identification occur only after a significant delay. This involves material, such as pictures or video footage generated by closed circuit television cameras or private devices, which has been generated before the use*** of the system ***in respect of the natural persons concerned***.

when warning notices are placed in the ***location that is under the surveillance*** of the ***RBI*** system***, and is not de facto annulled by pre-enrolment***.

Or. en

Amendment 379
Axel Voss, Deirdre Clune

Proposal for a regulation
Recital 8

Text proposed by the Commission	*Amendment*
(8) The notion of remote biometric identification system as used in this Regulation should be defined functionally, as an AI system intended for the identification of natural persons at a distance through the comparison of a person's biometric data with the biometric data contained in a reference ***database***, and without prior knowledge whether the targeted person will be present and can be identified, irrespectively of the particular technology, processes or types of biometric data used. Considering their different characteristics and manners in which they are used, as well as the different risks involved, a distinction should be made between 'real-time' and 'post' remote biometric identification systems. In the case of 'real-time' systems, the capturing	(8) The notion of remote biometric identification system as used in this Regulation should be defined functionally, as an AI system intended for the identification of natural persons at a distance through the comparison of a person's biometric data with the biometric data contained in a reference ***data repository***, and without prior knowledge whether the targeted person will be present and can be identified, irrespectively of the particular technology, processes or types of biometric data used. Considering their different characteristics and manners in which they are used, as well as the different risks involved, a distinction should be made between 'real-time' and 'post' remote biometric identification systems. In the case of 'real-time' systems,

of the biometric data, the comparison and the identification occur all instantaneously, near-instantaneously or in any event without a significant delay. In this regard, there should be no scope for circumventing the rules of this Regulation on the 'real-time' use of the AI systems in question by providing for minor delays. 'Real-time' systems involve the use of 'live' or 'near-'live' material, such as video footage, generated by a camera or other device with similar functionality. In the case of 'post' systems, in contrast, the biometric data have already been captured and the comparison and identification occur only after a significant delay. This involves material, such as pictures or video footage generated by closed circuit television cameras or private devices, which has been generated before the use of the system in respect of the natural persons concerned.

the capturing of the biometric data, the comparison and the identification occur all instantaneously, near-instantaneously or in any event without a significant delay. In this regard, there should be no scope for circumventing the rules of this Regulation on the 'real-time' use of the AI systems in question by providing for minor delays. 'Real-time' systems involve the use of 'live' or 'near-'live' material, such as video footage, generated by a camera or other device with similar functionality. In the case of 'post' systems, in contrast, the biometric data have already been captured and the comparison and identification occur only after a significant delay. This involves material, such as pictures or video footage generated by closed circuit television cameras or private devices, which has been generated before the use of the system in respect of the natural persons concerned.

Or. en

Amendment 380
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 9

Text proposed by the Commission	*Amendment*
(9) For the purposes of this Regulation the notion of publicly accessible space should be understood as referring to any physical place that is accessible to the public, irrespective of whether the place in question is privately or publicly owned. Therefore, the notion ***does not cover*** places that are private in nature and normally not freely accessible for third parties, including law enforcement authorities, unless those parties have been specifically invited or authorised, such as homes***,*** private clubs***, offices, warehouses and factories. Online spaces are not covered either, as they are***	(9) For the purposes of this Regulation the notion of publicly accessible ***physical or virtual*** space should be understood as referring to any physical ***or virtual*** place that is accessible to the public***, on a temporary or permanent basis***, irrespective of whether the place in question is privately or publicly owned. Therefore, the notion ***covers*** places that are ***both*** private in nature***, used for private purposes only, accessed completely voluntarily*** and normally not freely accessible for third parties, including law enforcement authorities, unless those

not physical spaces. However, the mere fact that certain conditions for accessing a particular space may apply, such as admission tickets or age restrictions, does not mean that the space is not publicly accessible within the meaning of this Regulation. Consequently, in addition to public spaces such as streets, relevant parts of government buildings and most transport infrastructure, spaces such as cinemas, theatres, shops and shopping centres are normally also publicly accessible. Whether a given space is accessible to the public should however be determined on a case-by-case basis, having regard to the specificities of the individual situation at hand.

parties have been specifically invited or authorised, such as homes ***and*** private clubs. However, the mere fact that certain conditions for accessing a particular space may apply, such as admission tickets or age restrictions, does not mean that the space is not publicly accessible within the meaning of this Regulation. Consequently, in addition to public spaces such as streets, relevant parts of government buildings and most transport infrastructure, spaces such as cinemas, theatres, ***sports grounds, virtual gaming environments, schools, universities, hospitals, amusement parks, festivals,*** shops and shopping centres***, offices, warehouses and factories*** are normally also publicly accessible. Whether a given space is accessible to the public should however be determined on a case-by-case basis, having regard to the specificities of the individual situation at hand.

Or. en

Amendment 381
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation
Recital 9

Text proposed by the Commission	*Amendment*
(9) For the purposes of this Regulation the notion of publicly accessible space should be understood as referring to any physical place that is accessible to the public, irrespective of whether the place in question is privately or publicly owned. Therefore, the notion does not cover places that are private in nature and normally not freely accessible for third parties, including law enforcement authorities, unless those parties have been specifically invited or authorised, such as homes, private clubs, offices, warehouses and factories. Online spaces are not covered either, as they are	(9) For the purposes of this Regulation the notion of publicly accessible space should be understood as referring to any physical place that is accessible to the public, irrespective of whether the place in question is privately or publicly owned. Therefore, the notion does not cover places that are private in nature and normally not freely accessible for third parties, including law enforcement authorities, unless those parties have been specifically invited or authorised, such as homes, private clubs, offices, warehouses and factories. Online spaces are not covered either, as they are

not physical spaces. However, the mere fact that certain conditions for accessing a particular space may apply, such as admission tickets or age restrictions, does not mean that the space is not publicly accessible within the meaning of this Regulation. Consequently, in addition to public spaces such as streets, relevant parts of government buildings and most transport infrastructure, spaces such as cinemas, theatres, shops and shopping centres are normally also publicly accessible. Whether a given space is accessible to the public should however be determined on a case-by-case basis, having regard to the specificities of the individual situation at hand.

not physical spaces. However, the mere fact that certain conditions for accessing a particular space may apply, such as admission tickets or age restrictions, does not mean that the space is not publicly accessible within the meaning of this Regulation. Consequently, in addition to public spaces such as streets, relevant parts of government buildings and most transport infrastructure, spaces such as cinemas, theatres, shops and shopping centres are normally also publicly accessible. Whether a given space is accessible to the public should however be determined on a case-by-case basis ***by the competent judicial or administrative authority***, having regard to the specificities of the individual situation at hand.

Or. fr

Amendment 382
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
Recital 9

Text proposed by the Commission	*Amendment*
(9) For the purposes of this Regulation the notion of publicly accessible space should be understood as referring to any physical place that is accessible to the public, irrespective of whether the place in question is privately or publicly owned. Therefore, the notion does not cover places that are private in nature and normally not freely accessible for third parties, including law enforcement authorities, unless those parties have been specifically invited or authorised, such as homes, private clubs, offices, warehouses and factories***. Online spaces are not covered either, as they are not physical spaces***. However, the mere fact that certain conditions for accessing a particular space may apply, such as	(9) For the purposes of this Regulation the notion of publicly accessible space should be understood as referring to any physical place that is accessible to the public, irrespective of whether the place in question is privately or publicly owned. Therefore, the notion does not cover places that are private in nature and normally not freely accessible for third parties, including law enforcement authorities, unless those parties have been specifically invited or authorised, such as homes, private clubs, offices, warehouses and factories. However, the mere fact that certain conditions for accessing a particular space may apply, such as admission tickets or age restrictions, does not mean that the

admission tickets or age restrictions, does not mean that the space is not publicly accessible within the meaning of this Regulation. Consequently, in addition to public spaces such as streets, relevant parts of government buildings and most transport infrastructure, spaces such as cinemas, theatres, shops and shopping centres are normally also publicly accessible. Whether a given space is accessible to the public should however be determined on a case-by-case basis, having regard to the specificities of the individual situation at hand.

space is not publicly accessible within the meaning of this Regulation. Consequently, in addition to public spaces such as streets, relevant parts of government buildings and most transport infrastructure, spaces such as cinemas, theatres, shops and shopping centres are normally also publicly accessible. Whether a given space is accessible to the public should however be determined on a case-by-case basis, having regard to the specificities of the individual situation at hand.

Or. en

Amendment 383
Petar Vitanov, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation
Recital 9

Text proposed by the Commission	*Amendment*
(9) For the purposes of this Regulation the notion of publicly accessible space should be understood as referring to any physical place that is accessible to the public, irrespective of whether the place in question is privately or publicly owned. Therefore, the notion does not cover places that are private in nature and normally not freely accessible for third parties, including law enforcement authorities, unless those parties have been specifically invited or authorised, such as homes, private clubs, offices, warehouses and factories***. Online spaces are not covered either, as they are not physical spaces***. However, the mere fact that certain conditions for accessing a particular space may apply, such as admission tickets or age restrictions, does not mean that the space is not publicly accessible within the meaning of this Regulation. Consequently, in addition to public spaces such as streets, relevant parts	(9) For the purposes of this Regulation the notion of publicly accessible space should be understood as referring to any physical place that is accessible to the public, irrespective of whether the place in question is privately or publicly owned. Therefore, the notion does not cover places that are private in nature and normally not freely accessible for third parties, including law enforcement authorities, unless those parties have been specifically invited or authorised, such as homes, private clubs, offices, warehouses and factories. However, the mere fact that certain conditions for accessing a particular space may apply, such as admission tickets or age restrictions, does not mean that the space is not publicly accessible within the meaning of this Regulation. Consequently, in addition to public spaces such as streets, relevant parts of government buildings and most transport infrastructure, spaces such

of government buildings and most transport infrastructure, spaces such as cinemas, theatres, shops and shopping centres are normally also publicly accessible. Whether a given space is accessible to the public should however be determined on a case-by-case basis, having regard to the specificities of the individual situation at hand.

as cinemas, theatres, shops and shopping centres are normally also publicly accessible. Whether a given space is accessible to the public should however be determined on a case-by-case basis, having regard to the specificities of the individual situation at hand.

Or. en

Amendment 384
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 9

Text proposed by the Commission	*Amendment*
(9) For the purposes of this Regulation the notion of publicly accessible space should be understood as referring to any physical place that is accessible to the public, irrespective of whether the place in question is privately or publicly owned. Therefore, the notion does not cover places that are private in nature and normally not freely accessible for third parties, including law enforcement authorities, unless those parties have been specifically invited or authorised, such as homes, private clubs, offices, warehouses and factories. ***Online spaces are not covered either, as they are not physical spaces.*** However, the mere fact that certain conditions for accessing a particular space may apply, such as admission tickets or age restrictions, does not mean that the space is not publicly accessible within the meaning of this Regulation. Consequently, in addition to public spaces such as streets, relevant parts of government buildings and most transport infrastructure, spaces such as cinemas, theatres, shops and shopping centres are normally also publicly accessible. Whether a given space is accessible to the public should however be	(9) For the purposes of this Regulation the notion of publicly accessible space should be understood as referring to any physical place that is accessible to the public, irrespective of whether the place in question is privately or publicly owned. Therefore, the notion does not cover places that are private in nature and normally not freely accessible for third parties, including law enforcement authorities, unless those parties have been specifically invited or authorised, such as homes, private clubs, offices, warehouses and factories. However, the mere fact that certain conditions for accessing a particular space may apply, such as admission tickets or age restrictions, does not mean that the space is not publicly accessible within the meaning of this Regulation. Consequently, in addition to ***online and*** public spaces such as streets, relevant parts of government buildings and most transport infrastructure, spaces such as cinemas, theatres, shops and shopping centres are normally also publicly accessible. Whether a given space is accessible to the public should however be determined on a case-by-case basis, having regard to the

determined on a case-by-case basis, having regard to the specificities of the individual situation at hand.	specificities of the individual situation at hand.

Or. en

Amendment 385
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission	*Amendment*
	(9 a) In order to ensure the rights of individuals and groups, and the growth of trustworthy AI, certain principles should be guaranteed across all AI systems, such as transparency, the right to an explanation and the right to object to a decision. This requires that discrimination, and detrimental power and information imbalances be prevented, control and oversight guaranteed, and that compliance is demonstrable and subject to ongoing monitoring. Decision-making by, or supported by, AI systems, should be subject to specific transparency rules, as regards the logic and parameters on which decisions are made.

Or. en

Amendment 386
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 9 b (new)

Text proposed by the Commission	*Amendment*
	(9 b) Requirements on transparency and on the explicability of AI decision-making should contribute to countering the

deterrent effects of digital asymmetry, power and information imbalance, and so-called 'dark patterns' targeting individuals and their informed consent.

Or. en

Amendment 387
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 10

Text proposed by the Commission	*Amendment*
(10) In order to ensure a level playing field and an effective protection of rights and freedoms of individuals across the Union, the rules established by this Regulation should apply to providers of AI systems in a non-discriminatory manner, irrespective of whether they are established within the Union or in a third country, and to ***users*** of AI systems established within the Union.	(10) In order to ensure a level playing field and an effective protection of rights and freedoms of individuals across the Union, the rules established by this Regulation should apply to providers of AI systems in a non-discriminatory manner, irrespective of whether they are established within the Union or in a third country, and to ***deployers*** of AI systems established within the Union. ***This Regulation and the rules it establishes should take into account different development and business models and the fact that standard implementations, or Free and Open Source software development and licensing models might entail less knowledge about and little to no control over further use, modification, and deployment within an AI system.***

Or. en

Amendment 388
Marion Walsmann

Proposal for a regulation
Recital 10

Text proposed by the Commission	*Amendment*

(10) In order to ensure a level playing field and an effective protection of rights and freedoms of individuals across the Union, the rules established by this Regulation should apply to providers of AI systems in a non-discriminatory manner, irrespective of whether they are established within the Union or in a third country, and to users of AI systems established within the Union.	(10) In order to ensure a level playing field and an effective protection of rights and freedoms of individuals across the Union ***and on international level***, the rules established by this Regulation should apply to providers of AI systems in a non-discriminatory manner, irrespective of whether they are established within the Union or in a third country, and to users of AI systems established within the Union.

Or. en

Amendment 389
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte

Proposal for a regulation
Recital 11

Text proposed by the Commission	*Amendment*
(11) In light of their digital nature, certain AI systems should fall within the scope of this Regulation even when they are neither placed on the market, nor put into service, nor used in the Union. This is the case for example of an operator established in the Union that contracts certain services to an operator established outside the Union in relation to an activity to be performed by an AI system that would qualify as high-risk and whose effects impact natural persons located in the Union. In those circumstances, the AI system used by the operator outside the Union could process data lawfully collected in and transferred from the Union, and provide to the contracting operator in the Union the output of that AI system resulting from that processing, without that AI system being placed on the market, put into service or used in the Union. To prevent the circumvention of this Regulation and to ensure an effective protection of natural persons located in the Union, this Regulation should also apply to providers and users of AI systems that are established in a third country, to the extent	(11) In light of their digital nature, certain AI systems should fall within the scope of this Regulation even when they are neither placed on the market, nor put into service, nor used in the Union. This is the case for example of an operator established in the Union that contracts certain services to an operator established outside the Union in relation to an activity to be performed by an AI system that would qualify as high-risk and whose effects impact natural persons located in the Union. In those circumstances, the AI system used by the operator outside the Union could process data lawfully collected in and transferred from the Union, and provide to the contracting operator in the Union the output of that AI system resulting from that processing, without that AI system being placed on the market, put into service or used in the Union. To prevent the circumvention of this Regulation and to ensure an effective protection of natural persons located in the Union, this Regulation should also apply to providers and users of AI systems that are established in a third country, to the extent

the output produced by those systems is used in the Union. ***Nonetheless, to take into account existing arrangements and special needs for cooperation with foreign partners with whom information and evidence is exchanged, this Regulation should not apply to public authorities of a third country and international organisations when acting in the framework of international agreements concluded at national or European level for law enforcement and judicial cooperation with the Union or with its Member States. Such agreements have been concluded bilaterally between Member States and third countries or between the European Union, Europol and other EU agencies and third countries and international organisations.***	the output produced by those systems is used in the Union.

Or. fr

Amendment 390
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
Recital 11

Text proposed by the Commission	*Amendment*
(11) In light of their digital nature, certain AI systems should fall within the scope of this Regulation even when they are neither placed on the market, nor put into service, nor used in the Union. This is the case for example of an operator established in the Union that contracts certain services to an operator established outside the Union in relation to an activity to be performed by an AI system that would qualify as high-risk and whose effects impact natural persons located in the Union. In those circumstances, the AI system used by the operator outside the Union could process data lawfully collected in and transferred from the	(11) In light of their digital nature, certain AI systems should fall within the scope of this Regulation even when they are neither placed on the market, nor put into service, nor used in the Union. This is the case for example of an operator established in the Union that contracts certain services to an operator established outside the Union in relation to an activity to be performed by an AI system that would qualify as high-risk and whose effects impact natural persons located in the Union. In those circumstances, the AI system used by the operator outside the Union could process data lawfully collected in and transferred from the

Union, and provide to the contracting operator in the Union the output of that AI system resulting from that processing, without that AI system being placed on the market, put into service or used in the Union. To prevent the circumvention of this Regulation and to ensure an effective protection of natural persons located in the Union, this Regulation should also apply to providers and users of AI systems that are established in a third country, to the extent the output produced by those systems is used in the Union. ***Nonetheless, to take into account existing arrangements and special needs for cooperation with foreign partners with whom information and evidence is exchanged, this Regulation should not apply to public authorities of a third country and international organisations when acting in the framework of international agreements concluded at national or European level for law enforcement and judicial cooperation with the Union or with its Member States. Such agreements have been concluded bilaterally between Member States and third countries or between the European Union, Europol and other EU agencies and third countries and international organisations.***	Union, and provide to the contracting operator in the Union the output of that AI system resulting from that processing, without that AI system being placed on the market, put into service or used in the Union. To prevent the circumvention of this Regulation and to ensure an effective protection of natural persons located in the Union, this Regulation should also apply to providers and users of AI systems that are established in a third country, to the extent the output produced by those systems is used in the Union.

Or. en

Justification

Consistent with the changes in Article 2.

Amendment 391
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Recital 11

Text proposed by the Commission	*Amendment*
(11) In light of their digital nature, certain AI systems should fall within the	(11) In light of their digital nature, certain AI systems should fall within the

scope of this Regulation even when they are neither placed on the market, nor put into service, nor used in the Union. This is the case for example of an operator established in the Union that contracts certain services to an operator established outside the Union in relation to an activity to be performed by an AI system ***that would qualify as high-risk and*** whose effects impact natural persons located in the Union. In those circumstances, the AI system used by the operator outside the Union could process data lawfully collected in and transferred from the Union, and provide to the contracting operator in the Union the output of that AI system resulting from that processing, without that AI system being placed on the market, put into service or used in the Union. To prevent the circumvention of this Regulation and to ensure an effective protection of natural persons located in the Union, this Regulation should also apply to providers and users of AI systems that are established in a third country, to the extent the output produced by those systems is used in the Union***. Nonetheless, to take into account existing arrangements and special needs for cooperation with foreign partners with whom information and evidence is exchanged, this Regulation should not apply to public authorities of a third country and international organisations when acting in the framework of international agreements concluded at national or European level for law enforcement and judicial cooperation with*** the Union ***or with its Member States***. ***Such agreements have been concluded bilaterally between Member States and third countries or between the European Union, Europol and other EU agencies and third countries and international organisations.***

scope of this Regulation even when they are neither placed on the market, nor put into service, nor used in the Union. This is the case for example of an operator established in the Union that contracts certain services to an operator established outside the Union in relation to an activity to be performed by an AI system whose effects impact natural persons located in the Union. In those circumstances, the AI system used by the operator outside the Union could process data lawfully collected in and transferred from the Union, and provide to the contracting operator in the Union the output of that AI system resulting from that processing, without that AI system being placed on the market, put into service or used in the Union. To prevent the circumvention of this Regulation and to ensure an effective protection of natural persons located in the Union, this Regulation should also apply to providers and users of AI systems that are established in a third country, to the extent the output produced by those systems is used in the Union ***or it affects natural persons within*** the Union.

Or. en

Amendment 392

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

Proposal for a regulation
Recital 11

Text proposed by the Commission	*Amendment*
(11) In light of their digital nature, certain AI systems should fall within the scope of this Regulation even when they are neither placed on the market, nor put into service, nor used in the Union. This is the case for example of an operator established in the Union that contracts certain services to an operator established outside the Union in relation to an activity to be performed by an AI system that would qualify as high-risk and whose effects impact natural persons located in the Union. In those circumstances, the AI system used by the operator outside the Union could process data lawfully collected in and transferred from the Union, and provide to the contracting operator in the Union the output of that AI system resulting from that processing, without that AI system being placed on the market, put into service or used in the Union. To prevent the circumvention of this Regulation and to ensure an effective protection of natural persons located in the Union, this Regulation should also apply to providers and ***users*** of AI systems that are established in a third country, to the extent the output produced by those systems is used in the Union***. Nonetheless, to take into account existing arrangements and special needs for cooperation with foreign partners with whom information and evidence is exchanged, this Regulation should not apply to public authorities of a third country and international organisations when acting in the framework of international agreements concluded at national or European level for law enforcement and judicial cooperation with*** the Union ***or with its Member States***. ***Such agreements have been concluded bilaterally between***	(11) In light of their digital nature, certain AI systems should fall within the scope of this Regulation even when they are neither placed on the market, nor put into service, nor used in the Union. This is the case for example of an operator established in the Union that contracts certain services to an operator established outside the Union in relation to an activity to be performed by an AI system that would qualify as high-risk and whose effects impact natural persons located in the Union. In those circumstances, the AI system used by the operator outside the Union could process data lawfully collected in and transferred from the Union, and provide to the contracting operator in the Union the output of that AI system resulting from that processing, without that AI system being placed on the market, put into service or used in the Union. To prevent the circumvention of this Regulation and to ensure an effective protection of natural persons located in the Union, this Regulation should also apply to providers and ***deployers*** of AI systems that are established in a third country, to the extent the output produced by those systems is used in the Union ***or affects people in*** the Union.

Member States and third countries or between the European Union, Europol and other EU agencies and third countries and international organisations.

Or. en

Amendment 393
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuță, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Karen Melchior, Andrus Ansip, Dita Charanzová, Alin Mituța

Proposal for a regulation
Recital 11

Text proposed by the Commission	*Amendment*
(11) In light of their digital nature, certain AI systems should fall within the scope of this Regulation even when they are neither placed on the market, nor put into service, nor used in the Union. This is the case for example of an operator established in the Union that contracts certain services to an operator established outside the Union in relation to an activity to be performed by an AI system that would qualify as high-risk and whose effects impact natural persons located in the Union. In those circumstances, the AI system used by the operator outside the Union could process data lawfully collected in and transferred from the Union, and provide to the contracting operator in the Union the output of that AI system resulting from that processing, without that AI system being placed on the market, put into service or used in the Union. To prevent the circumvention of this Regulation and to ensure an effective protection of natural persons located in the Union, this Regulation should also apply to providers and users of AI systems that are established in a third country, to the extent the output produced by those systems is used in the Union. Nonetheless, to take into account existing arrangements and special needs for cooperation with foreign partners	(11) In light of their digital nature, certain AI systems should fall within the scope of this Regulation even when they are neither placed on the market, nor put into service, nor used in the Union. This is the case for example of an operator established in the Union that contracts certain services to an operator established outside the Union in relation to an activity to be performed by an AI system that would qualify as high-risk and whose effects impact natural persons located in the Union. In those circumstances, the AI system used by the operator outside the Union could process data lawfully collected in and transferred from the Union, and provide to the contracting operator in the Union the output of that AI system resulting from that processing, without that AI system being placed on the market, put into service or used in the Union. To prevent the circumvention of this Regulation and to ensure an effective protection of natural persons located in the Union, this Regulation should also apply to providers and users of AI systems that are established in a third country, to the extent the output produced by those systems is used in the Union. Nonetheless, to take into account existing arrangements and special needs for cooperation with foreign partners

with whom information and evidence is exchanged, this Regulation should not apply to public authorities of a third country and international organisations when acting in the framework of international agreements concluded at national or European level for law enforcement and judicial cooperation with the Union or with its Member States. Such agreements have been concluded bilaterally between Member States and third countries or between the European Union, Europol and other EU agencies and third countries and international organisations.

with whom information and evidence is exchanged, this Regulation should not apply to public authorities of a third country and international organisations when acting in the framework of international agreements concluded at national or European level for law enforcement and judicial cooperation with the Union or with its Member States. Such agreements have been concluded bilaterally between Member States and third countries or between the European Union, Europol and other EU agencies and third countries and international organisations. ***This exception should nevertheless be limited to trusted countries and international organizations that share the Union's values.***

Or. en

Amendment 394
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Recital 11

Text proposed by the Commission	*Amendment*
(11) In light of their digital nature, certain AI systems should fall within the scope of this Regulation even when they are neither placed on the market, nor put into service, nor used in the Union. This is the case for example of an operator established in the Union that contracts certain services to an operator established outside the Union in relation to an activity to be performed by an AI system that would qualify as high-risk ***and whose effects impact natural persons located in the Union***. In those circumstances, the AI system used by the operator outside the Union could process data lawfully collected in and transferred from the Union, and provide to the contracting operator in the Union the output of that AI system resulting from that processing,	(11) In light of their digital nature, certain AI systems should fall within the scope of this Regulation even when they are neither placed on the market, nor put into service, nor used in the Union. This is the case for example of an operator established in the Union that contracts certain services to an operator established outside the Union in relation to an activity to be performed by an AI system that would qualify as high-risk. In those circumstances, the AI system used by the operator outside the Union could process data lawfully collected in and transferred from the Union, and provide to the contracting operator in the Union the output of that AI system resulting from that processing, without that AI system being placed on the market, put into service or

without that AI system being placed on the market, put into service or used in the Union. To prevent the circumvention of this Regulation and to ensure an effective protection of natural persons located in the Union, this Regulation should also apply to providers and users of AI systems that are established in a third country, to the extent the output produced by those systems is ***used*** in the Union. Nonetheless, to take into account existing arrangements and special needs for cooperation with foreign partners with whom information and evidence is exchanged, this Regulation should not apply to public authorities of a third country and international organisations when acting in the framework of international agreements concluded at national or European level for law enforcement and judicial cooperation with the Union or with its Member States. Such agreements have been concluded bilaterally between Member States and third countries or between the European Union, Europol and other EU agencies and third countries and international organisations.

used in the Union. To prevent the circumvention of this Regulation and to ensure an effective protection of natural persons located in the Union, this Regulation should also apply to providers and users of AI systems that are established in a third country, to the extent the output produced by those systems is ***intended for use*** in the Union. Nonetheless, to take into account existing arrangements and special needs for ***future*** cooperation with foreign partners with whom information and evidence is exchanged, this Regulation should not apply to public authorities of a third country and international organisations when acting in the framework of international agreements concluded at national or European level for law enforcement and judicial cooperation with the Union or with its Member States. Such agreements have been concluded bilaterally between Member States and third countries or between the European Union, Europol and other EU agencies and third countries and international organisations.

Or. en

Amendment 395
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
Recital 12

Text proposed by the Commission	*Amendment*
(12) This Regulation should also apply to Union institutions, offices, bodies and agencies when acting as a provider or user of an AI system***. AI systems exclusively developed or used for military purposes should be excluded from the scope of this Regulation where that use falls under the exclusive remit of the Common Foreign***	(12) This Regulation should also apply to Union institutions, offices, bodies and agencies when acting as a provider or user of an AI system. This Regulation should be without prejudice to the provisions regarding the liability of intermediary service providers set out in Directive 2000/31/EC of the European Parliament

and Security Policy regulated under Title V of the Treaty on the European Union (TEU). This Regulation should be without prejudice to the provisions regarding the liability of intermediary service providers set out in Directive 2000/31/EC of the European Parliament and of the Council [as amended by the Digital Services Act].

and of the Council [as amended by the Digital Services Act].

Or. en

Amendment 396
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst

Proposal for a regulation
Recital 12

Text proposed by the Commission	*Amendment*
(12) This Regulation should also apply to Union institutions, offices, bodies and agencies when acting as a provider or user of an AI system***. AI systems exclusively developed or used for military purposes should be excluded from the scope of this Regulation where that use falls under the exclusive remit of the Common Foreign and Security Policy regulated under Title V of the Treaty on the European Union (TEU)***. This Regulation should be without prejudice to the provisions regarding the liability of intermediary service providers set out in Directive 2000/31/EC of the European Parliament and of the Council [as amended by the Digital Services Act].	(12) This Regulation should also apply to Union institutions, offices, bodies and agencies when acting as a provider or user of an AI system. This Regulation should be without prejudice to the provisions regarding the liability of intermediary service providers set out in Directive 2000/31/EC of the European Parliament and of the Council [as amended by the Digital Services Act].

Or. en

Amendment 397
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 12

Text proposed by the Commission	*Amendment*
(12) This Regulation should also apply to Union institutions, offices, bodies and agencies when acting as a provider or ***user*** of an AI system***. AI systems exclusively developed or used for military purposes should be excluded from the scope of this Regulation where that use falls under the exclusive remit of the Common Foreign and Security Policy regulated under Title V of the Treaty on the European Union (TEU)***. This Regulation should be without prejudice to the provisions regarding the liability of intermediary service providers set out in Directive 2000/31/EC of the European Parliament and of the Council [as amended by the Digital Services Act].	(12) This Regulation should also apply to Union institutions, offices, bodies and agencies when acting as a provider or ***deployer*** of an AI system. This Regulation should be without prejudice to the provisions regarding the liability of intermediary service providers set out in Directive 2000/31/EC of the European Parliament and of the Council [as amended by the Digital Services Act].

Or. en

Amendment 398
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation
Recital 12

Text proposed by the Commission	*Amendment*
(12) This Regulation should also apply to ***Union*** institutions, ***offices, bodies*** and agencies ***when acting as a provider or user of an AI system***. AI systems exclusively developed or used for military purposes should be excluded from the scope of this Regulation ***where that use falls under the exclusive remit of the Common Foreign and Security Policy regulated under Title V of the Treaty on the European Union (TEU)***. This Regulation should be without prejudice to the provisions regarding the liability of intermediary service providers set out in Directive 2000/31/EC of the European Parliament and of the Council [as amended by the Digital Services Act].	(12) This Regulation should also apply to ***the*** institutions, ***bodies, offices*** and agencies ***of the Union***. AI systems exclusively developed or used for military purposes should be excluded from the scope of this Regulation. This Regulation should be without prejudice to the provisions regarding the liability of intermediary service providers set out in Directive 2000/31/EC of the European Parliament and of the Council [as amended by the Digital Services Act].

Or. fr

Amendment 399
Svenja Hahn, Nicola Beer, Karen Melchior, Dita Charanzová, Andrus Ansip, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission	*Amendment*
	(12 a) This Regulation should not undermine research and development activity and should respect freedom of science. It is therefore necessary to exclude from its scope AI systems specifically developed and put into service for the sole purpose of scientific research and development and to ensure that the Regulation does not otherwise affect scientific research and development activity on AI systems. As regards product oriented research activity by providers, the provisions of this Regulation should apply insofar as such research leads to or entails placing of an AI system on the market or putting it into service. Under all circumstances, any research and development activity should be carried out in accordance with recognised ethical standards for scientific research.

Or. en

Amendment 400
Kosma Złotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission	*Amendment*
	(12 a) This Regulation should also ensure harmonisation and consistency in definitions and terminology as biometric techniques can, in the light of their primary function, be divided into

techniques of biometric identification, authentication and verification. Biometric authentication means the process of matching an identifier to a specific stored identifier in order to grant access to a device or service, whilst biometric verification refers to the process of confirming that an individual is who they claim to be. As they do not involve any "one-to-many" comparison of biometric data that is the distinctive trait of identification, both biometric verification and authentication should be excluded from the scope of this Regulation.

Or. en

Amendment 401
Axel Voss, Deirdre Clune

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission	*Amendment*
	(12 a) This Regulation should also ensure harmonisation consistency in definitions and terminology as biometric techniques can, in the light of their primary function, be divided into techniques of biometric identification, authentication and verification. Biometric authentication means the process of matching an identifier to a specific stored identifier in order to grant access to a device or service, whilst biometric verification refers to the process of confirming that an individual is who they claim to be. As they do not involve any "one-to-many" comparison of biometric data that is the distinctive trait of identification, both biometric verification and authentication should be excluded from the scope of this Regulation.

Or. en

Amendment 402
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
Recital 12 a (new)

Text proposed by the Commission	*Amendment*
	(12 a) AI systems developed or used exclusively for military purposes should be excluded from the scope of this Regulation where that use falls under the exclusive remit of the Common Foreign and Security Policy regulated under Title V TEU. However, AI systems which are developed or used for military purposes but can also be used for civil purposes, falling under the definition of "dual use items" pursuant to Regulation (EU) 2021/821 of the European Parliament and of the Council[1a] should fall into the scope of this Regulation.
	[1a] Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (OJ L 206 11.6.2021, p. 1).

Or. en

Amendment 403
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission	*Amendment*
	(12 a) In order to ensure a minimum level of transparency on the ecological sustainability aspects of an AI system, providers and users should document

parameters including but not limited to resource consumption, resulting from the design, data management and training, the underlying infrastructures of the AI system, and of the methods to reduce such impact for any AI system.

Or. en

Amendment 404
Svenja Hahn, Nicola Beer, Dita Charanzová, Andrus Ansip, Vlad-Marius Botoş, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation
Recital 12 b (new)

Text proposed by the Commission	*Amendment*
	(12 b) Given the complexity of the value chain for AI systems, it is essential to clarify the role of persons who may contribute to the development of AI systems covered by this Regulation, without being providers and thus being obliged to comply with the obligations and requirements established herein. It is necessary to clarify that general purpose AI systems - understood as AI systems that are able to perform generally applicable functions such as image/speech recognition, audio/video generation, pattern detection, question answering, translation etc. - should not be considered as having an intended purpose within the meaning of this Regulation, unless those systems have been adapted to a specific intended purpose that falls within the scope of this Regulation. Initial providers of general purpose AI systems should therefore only have to comply with the provisions on accuracy, robustness and cybersecurity as laid down in Art. 15 of this Regulation. If a person adapts a general purpose AI application to a specific intended purpose and places it on the market or puts it into service, it shall be considered the provider and be subject to the obligations laid down in this

Regulation. The initial provider of a general purpose AI application shall, after placing it on the market or putting it to service, and without compromising its own intellectual property rights or trade secrets, provide the new provider with all essential, relevant and reasonably expected information that is necessary to comply with the obligations set out in this Regulation.

Or. en

Amendment 405
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
Recital 12 b (new)

Text proposed by the Commission	*Amendment*
	(12 b) This Regulation should not affect the provisions aimed at improving working conditions in platform work set out in Directive 2021/762/EC.

Or. en

Amendment 406
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 13

Text proposed by the Commission	*Amendment*
(13) In order to ensure a consistent and high level of protection of public interests as regards health, safety and fundamental rights, common normative standards for all high-risk AI systems should be established. Those standards should be consistent with the Charter of fundamental rights of the European Union (the Charter) and should	(13) In order to ensure a consistent and high level of protection of public interests as regards health, safety and fundamental rights, common normative standards for all high-risk AI systems should be established. Those standards should be consistent with the Charter of fundamental rights of the European Union (the Charter) and should

be non-discriminatory and in line with the Union's international trade commitments.	be non-discriminatory and in line with the Union's international trade commitments. ***In order to ensure a minimum level of transparency on the ecological sustainability aspects of an AI system, providers and users should document (i) parameters including, but not limited to, resource consumption resulting from the design, data management, training and from the underlying infrastructures of the AI system; as well as (ii) the methods to reduce such impact.***

Or. en

Amendment 407
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 13

Text proposed by the Commission	*Amendment*
(13) In order to ensure a consistent and high level of protection of public interests as regards health, safety and fundamental rights, common normative standards for ***all high-risk*** AI systems should be established. Those standards should be consistent with the Charter of fundamental rights of the European Union (the Charter) and should be non-discriminatory and in line with the Union's international ***trade*** commitments.	(13) In order to ensure a consistent and high level of protection of public interests as regards health, safety***, the environment*** and fundamental rights***, and values***, common normative standards for AI systems should be established. Those standards should be consistent with the Charter of fundamental rights of the European Union (the Charter)***, the European Green Deal (The Green Deal), the Joint Declaration on Digital Rights of the Union (the Declaration) and the Ethics Guidelines for Trustworthy Artificial Intelligence (AI) of the High-Level Expert Group on Artificial Intelligence (AI HLEG),*** and should be non-discriminatory and in line with the Union's international commitments.

Or. en

Amendment 408
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä

on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 13

Text proposed by the Commission	*Amendment*
(13) In order to ensure a consistent and high level of protection of public interests as regards health, safety and fundamental rights, common normative standards for all high-risk AI systems should be established. Those standards should be consistent with the Charter of fundamental rights of the European Union (the Charter) and should be non-discriminatory and in line with the Union's international trade commitments.	(13) In order to ensure a consistent and high level of protection of public interests as regards health, safety**,** and fundamental rights***, as well as the environment, society, rule of law and democracy, economic interests and consumer protection***, common normative standards for all high-risk AI systems should be established. Those standards should be consistent with the Charter of Fundamental Rights of the European Union (the Charter) and should be non-discriminatory and in line with the Union's international trade commitments.

Or. en

Amendment 409
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
Recital 13

Text proposed by the Commission	*Amendment*
(13) In order to ensure a consistent and high level of protection of public interests as regards health, safety and fundamental rights, common normative standards for all high-risk AI systems should be established. Those standards should be consistent with the Charter of fundamental rights of the European Union (the Charter) and should be non-discriminatory and in line with the Union's international trade commitments.	(13) In order to ensure a consistent and high level of protection of public interests as regards health, safety and fundamental rights***, the environment and the Union values enshrined in Article 2 TEU***, common normative standards for all high-risk AI systems should be established. Those standards should be consistent with the Charter of fundamental rights of the European Union (the Charter) and should be non-discriminatory and in line with the Union's international trade commitments.

Or. en

Amendment 410
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation
Recital 13

Text proposed by the Commission	*Amendment*
(13) In order to ensure a consistent and high level of protection of public interests as regards health, safety and fundamental rights, common normative standards for all high-risk AI systems should be established. Those standards should be consistent with the Charter of fundamental rights of the European Union (the Charter) and should be non-discriminatory and in line with the Union's international ***trade*** commitments.	(13) In order to ensure a consistent and high level of protection of public interests as regards health, safety and fundamental rights, ***minimum*** common normative standards for all high-risk AI systems should be established. Those standards should be consistent with the Charter of fundamental rights of the European Union (the Charter) and should be non-discriminatory and in line with the Union's international commitments.

Or. fr

Amendment 411
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission	*Amendment*
	(13 a) AI systems and related ICT technology require significant natural resources, contribute to waste production, and have a significant overall impact on the environment. It is appropriate to design and develop in particular high-risk AI systems with methods and capabilities that measure, record, and reduce resource use and waste production, as well as energy use, and that increase their overall efficiency throughout their entire lifecycle. The Commission, the Member States and the European AI Board should contribute to these efforts by issuing

guidelines and providing support to providers and deployers.

Or. en

Amendment 412
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation
Recital 14

Text proposed by the Commission	*Amendment*
(14) In order to introduce a proportionate and effective set of binding rules for AI systems, a clearly defined risk-based approach should be followed. That approach should tailor the type and content of such rules to the intensity and scope of the risks that AI systems can generate. It is therefore necessary to prohibit certain artificial intelligence practices, to lay down requirements for high-risk AI systems and obligations for the relevant operators, and to lay down transparency obligations for certain AI systems.	(14) In order to introduce a proportionate and effective set of binding rules for AI systems, a clearly defined risk-based approach should be followed. That approach should tailor the type and content of such rules to the intensity and scope of the risks that AI systems can generate. It is therefore necessary to prohibit certain artificial intelligence practices, to lay down requirements for high-risk AI systems and obligations for the relevant operators, and to lay down transparency obligations for certain AI systems. ***It is also necessary to establish the criteria and conditions which determinine the category to which an AI system belongs.***

Or. fr

Amendment 413
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

Proposal for a regulation
Recital 14

Text proposed by the Commission	*Amendment*
(14) In order to introduce a proportionate and effective set of binding rules for AI systems, a clearly defined risk-based approach should be followed. That approach should tailor the type and content	(14) In order to introduce a proportionate and effective set of binding rules for AI systems, a clearly defined risk-based approach should be followed. That approach should tailor the type and content

of such rules to the intensity and scope of the risks that AI systems can generate. It is therefore necessary to prohibit certain artificial intelligence practices, to lay down requirements for high-risk AI systems and obligations for the relevant operators, and to lay down transparency obligations for certain AI systems.	of such rules to the intensity and scope of the risks that AI systems can generate ***for individuals and society, rather than depend on the type of technology***. It is therefore necessary to prohibit certain artificial intelligence practices, to lay down requirements for high-risk AI systems and obligations for the relevant operators, and to lay down transparency obligations for certain AI systems.

Or. en

Amendment 414
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

Proposal for a regulation
Recital 14

Text proposed by the Commission	*Amendment*
(14) In order to introduce a proportionate and effective set of binding rules for AI systems, a clearly defined risk-based approach should be followed. That approach should tailor the type and content of such rules to the intensity and scope of the risks that AI systems can generate. It is therefore necessary to prohibit certain artificial intelligence practices, to lay down requirements for high-risk AI systems and obligations for the relevant operators, and to lay down transparency obligations for certain AI systems.	(14) In order to introduce a proportionate and effective set of binding rules for AI systems, a clearly defined risk-based approach should be followed. That approach should tailor the type and content of such rules to the intensity and scope of the risks that AI systems can generate. It is therefore necessary to prohibit certain ***unacceptable*** artificial intelligence practices, to lay down requirements for high-risk AI systems and obligations for the relevant operators, and to lay down transparency obligations for certain AI systems.

Or. en

Amendment 415
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 15

Text proposed by the Commission	*Amendment*
(15) ***Aside from the many beneficial uses of artificial intelligence, that technology*** can also be misused and provide novel and powerful tools for manipulative, exploitative and social control practices. Such practices are particularly harmful and should be prohibited because they contradict Union values of respect for human dignity, freedom, equality, democracy and the rule of law and Union fundamental rights, including the right to non-discrimination, data protection and privacy and the rights of the child.	(15) ***AI systems*** can also be misused and provide novel and powerful tools for manipulative, exploitative and social control practices. Such practices are particularly harmful and should be prohibited because they contradict Union values of respect for human dignity, freedom, equality, democracy and the rule of law and Union fundamental rights, including the right to non-discrimination, data protection and privacy and the rights of the child. ***All uses of AI systems which interfere with the essence of the fundamental rights of individuals should in any case be prohibited. The prohibitions listed in this Regulation should apply notwithstanding existing Union law and do not provide a new legal basis for the development placing on the market, deployment or use of AI systems. To keep up with rapid technological development and to ensure future-proof regulation, the Commission should keep the list of prohibited and high-risk AI systems under constant review.***

Or. en

Amendment 416
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation
Recital 15

Text proposed by the Commission	*Amendment*
(15) Aside from the many beneficial uses of artificial intelligence, that technology can also be misused and provide novel and powerful tools for manipulative, exploitative and social control practices. Such practices are particularly harmful and should be prohibited because they contradict ***Union***	(15) Aside from the many beneficial uses of artificial intelligence, that technology can also be misused and provide novel and powerful tools for manipulative, exploitative and social control practices. Such practices are particularly harmful and should be prohibited because they contradict ***the***

values of respect for human dignity, freedom, equality, democracy and the rule of law and Union fundamental rights, including the right to non-discrimination, data protection and privacy and the rights of the child.	values of respect for human dignity, freedom, equality, democracy and the rule of law***, which are protected values under EU law,*** and Union fundamental rights, including the right to non-discrimination, data protection and privacy and the rights of the child.
	Or. fr

Amendment 417
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission	*Amendment*
	(15 a) As signatories to the United Nations Convention on the Rights of Persons with Disabilities (CRPD), the European Union and all Member States are legally obliged to protect persons with disabilities from discrimination and promote their equality, to ensure that persons with disabilities have access, on an equal basis with others, to information and communications technologies and systems, and to ensure respect for privacy of persons with disabilities. Given the growing importance and use of AI systems, the strict application of universal design principles to all new technologies and services should ensure full, equal, and unrestricted access for everyone potentially affected by or using AI technologies, including persons with disabilities, in a way that takes full account of their inherent dignity and diversity. It is essential to ensure that providers of AI systems design them, and users use them, in accordance with the accessibility requirements set out in Directive (EU) 2019/882.
	Or. en

Amendment 418
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission	*Amendment*
	(15 a) As signatories to the United Nations Convention on the Rights of Persons with Disabilities (CRPD), the European Union and all Member States are legally obliged to protect persons with disabilities from discrimination and promote their equality (Article 5). They are also obliged to ensure that persons with disabilities have access, on an equal basis with others, to information and communications technologies and systems. (Article 9). Finally, they are obliged to ensure respect for privacy of persons with disabilities (Article 22).

Or. en

Amendment 419
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission	*Amendment*
	(15 a) As signatories to the United Nations Convention on the Rights of Persons with Disabilities (CRPD), the European Union and all Member States are legally obliged to protect persons with disabilities from discrimination and promote their equality (Article 5). They are also obliged to ensure that persons with disabilities have access, on an equal basis with others, to information and communications technologies and systems. (Article 9). Finally, they are obliged to ensure respect for privacy of persons with disabilities (Article 22).

Or. en

Amendment 420
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä, Sylwia Spurek
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission	*Amendment*
	(15 a) The European Union and its Member States as signatories to the United Nations Convention on the Rights of Persons with Disabilities (CRPD) are obliged to protect persons with disabilities from discrimination and to promote their equality. They are obliged to ensure that persons with disabilities have access, on an equal basis with others, to information and communications technologies and systems and to ensure respect for the fundamental rights, including that of privacy, of persons with disabilities.

Or. en

Amendment 421
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
Recital 15 a (new)

Text proposed by the Commission	*Amendment*
	(15 a) As signatories to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), the European Union and all Member States should protect persons with disabilities from discrimination and promote their equality, ensure that persons with disabilities have access, on an equal basis

with others, to information and communications technologies and systems and ensure respect for privacy of persons with disabilities.

Or. en

Amendment 422
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 15 b (new)

Text proposed by the Commission	*Amendment*
	(15 b) Given the growing importance and use of AI systems, the strict application of universal design principles to all new technologies and services should ensure full, equal, and unrestricted access for everyone potentially affected by or using AI technologies, including persons with disabilities, in a way that takes full account of their inherent dignity and diversity. It is essential to ensure that providers of AI systems design them, and users use them, in accordance with the accessibility requirements set out in Directive (EU) 2019/882. Union law should be further developed, including through this Regulation, so that no one is left behind as result of digital innovation.

Or. en

Amendment 423
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä, Sylwia Spurek
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 15 b (new)

Text proposed by the Commission	*Amendment*
	(15 b) Providers of AI systems should

ensure that these systems are designed in accordance with the accessibility requirements set out in Directive (EU) 2019/882 and guarantee full, equal, and unrestricted access for everyone potentially affected by or using AI systems, including persons with disabilities.

Or. en

Amendment 424
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Recital 16

Text proposed by the Commission	*Amendment*
(16) The placing on the market, putting into service or use of certain AI systems ***intended to distort*** human behaviour, whereby physical or psychological harms are likely to occur, should be forbidden. Such AI systems deploy subliminal components ***individuals*** cannot perceive or exploit vulnerabilities of ***children and people*** due to their age, ***physical or mental incapacities. They do so*** with the ***intention to*** materially ***distort*** the behaviour of a person and in a manner that causes or is likely to cause harm to that or another person. The intention may not be presumed if the distortion ***of human behaviour*** results from factors external to the AI system which are outside of the control of the provider or the user***. Research for legitimate purposes in relation to such AI systems should*** not be ***stifled*** by the ***prohibition, if such research does not amount to use*** of the AI system ***in human-machine relations that exposes natural persons to harm and such research is carried out in accordance with recognised ethical standards for scientific research***.	(16) The placing on the market, putting into service or use of certain AI systems ***materially distorting*** human behaviour, whereby physical or psychological harms are likely to occur, should be forbidden. Such AI systems deploy subliminal components ***that persons*** cannot perceive or ***those systems otherwise*** exploit vulnerabilities of ***a specific group of persons*** due to their age, ***disability within the meaning of Directive (EU) 2019/882, or social or economic situation. Such systems can be placed on the market, put into service or used*** with the ***objective to or the effect of*** materially ***distorting*** the behaviour of a person and in a manner that causes or is ***reasonably*** likely to cause ***physical or psychological*** harm to that or another person ***or groups of persons, including harms that may be accumulated over time***. The intention ***to distort the behaviour*** may not be presumed if the distortion results from factors external to the AI system which are outside of the control of the provider or the user ***meaning factors that may*** not be ***reasonably foreseen and mitigated*** by the ***provider or the user*** of the AI system***. In any case, it is not necessary for the provider or the user***

to have the intention to cause the physical or psychological harm, as long as such harm results from the manipulative or exploitative AI-enabled practices. The prohibitions for such AI practices is complementary to the provisions contained in Directive [Unfair Commercial Practice Directive 2005/29/EC, as amended by Directive (EU) 2019/216], notably that unfair commercial practices leading to economic or financial harms to consumers are prohibited under all circumstances, irrespective of whether they are put in place through AI systems or otherwise.

Or. en

Amendment 425
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 16

Text proposed by the Commission	*Amendment*
(16) The placing on the market, putting into service or use of certain AI systems ***intended to distort*** human behaviour, whereby physical or psychological harms are likely to occur, should be forbidden. ***Such*** AI systems deploy subliminal components individuals ***cannot*** perceive or exploit vulnerabilities of ***children and people due to their age, physical or mental incapacities. They do so with the intention to*** materially distort the behaviour of a person ***and*** in a manner that causes or is likely to cause harm to that or another person***. The intention*** may not be presumed if the distortion of human behaviour results from factors external to the AI system which are outside of the control of the provider or the user. Research for legitimate purposes in relation to such AI systems should not be ***stifled*** by the prohibition, if such research does not	(16) The placing on the market, putting into service or use of certain AI systems ***with the effect or likely effect of distorting*** human behaviour, whereby physical***, economic*** or psychological harms ***to individuals or society*** are likely to occur, should be forbidden. ***This includes*** AI systems ***that*** deploy subliminal components ***that*** individuals ***may not be able to*** perceive ***or understand,*** or exploit vulnerabilities of ***individuals. They*** materially distort the behaviour of a person***, including*** in a manner that causes or is likely to cause ***physical, psychological or economic*** harm to that or another person***, or to society, or lead them to make decisions they would not otherwise have taken. Manipulation*** may not be presumed if the distortion of human behaviour ***clearly*** results from factors external to the AI system which are outside

amount to use of the AI system in human-machine relations that exposes natural persons to harm and such research is carried out in accordance with recognised ethical standards for scientific research.

of the control of the provider or the user ***and are not reasonably foreseeable at or during the deployment of the AI system***. Research for legitimate purposes in relation to such AI systems should not be ***unduly limited*** by the prohibition, if such research does not amount to use of the AI system in ***non-supervised*** human-machine relations that exposes natural persons to harm and such research is carried out in accordance with recognised ethical standards for scientific research. ***If necessary, further flexibilities in order to foster research, and thereby European innovation capacities, should be introduced by Member States under controlled circumstances only and with all relevant safeguards to protect health and safety, fundamental rights, environment, society, rule of law and democracy.***

Or. en

Amendment 426
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation
Recital 16

Text proposed by the Commission	*Amendment*
(16) The placing on the market, putting into service or use of certain AI systems intended to distort human behaviour***,*** ***whereby physical or psychological harms are likely to occur,*** should be forbidden. Such AI systems deploy subliminal components individuals cannot perceive or exploit vulnerabilities of children ***and*** people due to their age, physical or mental incapacities***. They do so with the intention to materially distort the behaviour of a person and in a manner that causes or is likely to cause harm to that or another person. The intention may not be presumed if the distortion of human behaviour results from factors external to***	(16) The placing on the market, putting into service or use of certain AI systems intended to distort human behaviour should be forbidden. Such AI systems deploy subliminal components individuals cannot perceive or exploit vulnerabilities of ***people such as*** children ***or*** people ***who are vulnerable*** due to their age, physical or mental incapacities***, or other traits***. Research for legitimate purposes in relation to such AI systems should not be stifled by the prohibition, if such research does not amount to use of the AI system in human-machine relations ***with uninformed or non-consenting third parties*** that exposes natural persons to harm and such research

the AI system which are outside of the control of the provider or the user. Research for legitimate purposes in relation to such AI systems should not be stifled by the prohibition, if such research does not amount to use of the AI system in human-machine relations that exposes natural persons to harm and such research is carried out in accordance with recognised ethical standards for scientific research.

is carried out in accordance with recognised ethical standards for scientific research.

Or. fr

Justification

This passage on the purposes and risks of AI systems that alter human behaviour is in fact a dangerous precision. It means that only systems with these risks are dangerous, and that other systems of this nature (e.g. medium instead of substantial impairment or no harm) would be allowed. We wish to prohibit the alteration of behaviour by AI in all circumstances, which means removing this point which is, in reality, a limitation.

Amendment 427
Brando Benifei, 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
Recital 16

Text proposed by the Commission	*Amendment*
(16) The placing on the market, putting into service or use of certain AI systems ***intended to distort*** human behaviour, whereby physical ***or*** psychological harms are likely to occur, should be forbidden. Such AI systems deploy subliminal components individuals cannot perceive or exploit vulnerabilities of children and people due to their age, physical or mental incapacities. They do so with the ***intention to*** materially ***distort*** the behaviour of a person and in a manner that causes or is likely to cause harm to that or another person***. The intention may not be presumed if the distortion of human behaviour results from factors external to the AI system which are outside of the***	(16) The placing on the market, putting into service or use of certain AI systems ***with the effect or likely effect of distorting*** human behaviour, whereby ***material or non-material harm, including*** physical***,*** psychological ***or economic*** harms are likely to occur, should be forbidden***. This limitation should be understood to include neuro-technologies assisted by AI systems that are used to monitor, use, or influence neural data gathered through brain-computer interfaces***. Such AI systems deploy subliminal components individuals cannot perceive or exploit vulnerabilities of children and people due to their age, physical or mental incapacities. They do so with the ***effect of*** materially ***distorting*** the

control of the provider or the user. Research for legitimate purposes in relation to such AI systems should not be stifled by the prohibition, if such research does not amount to use of the AI system in human-machine relations that exposes natural persons to harm and such research is carried out in accordance with recognised ethical standards for scientific research.

behaviour of a person and in a manner that causes or is likely to cause harm to that or another person. Research for legitimate purposes in relation to such AI systems should not be stifled by the prohibition, if such research does not amount to use of the AI system in human-machine relations that exposes natural persons to harm and such research is carried out in accordance with recognised ethical standards for scientific research.

Or. en

Amendment 428
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuță, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Karen Melchior, Andrus Ansip, Dita Charanzová, Morten Løkkegaard, Alin Mituța

Proposal for a regulation
Recital 16

Text proposed by the Commission	*Amendment*
(16) The placing on the market, putting into service or use of certain AI systems intended to distort human behaviour, whereby physical or psychological harms are likely to occur, should be forbidden. ***Such*** AI systems deploy subliminal components ***individuals*** cannot perceive ***or*** exploit vulnerabilities of ***children and people due to their age***, ***physical or mental incapacities. They do so*** with the intention to materially distort the behaviour of a person and in a manner that causes or is likely to cause harm to that or another person. The intention may not be presumed if the distortion of human behaviour results from factors external to the AI system which are outside of the control of the provider or the user. Research for legitimate purposes in relation to such AI systems should not be stifled by the prohibition, if such research does not amount to use of the AI system ***in human-machine*** relations that exposes natural persons to harm and such research is	(16) The placing on the market, putting into service or use of certain AI systems intended to distort human behaviour, whereby physical or psychological harms are likely to occur, should be forbidden. ***In particular,*** AI systems ***that*** deploy subliminal components ***that natural persons*** cannot perceive***, that*** exploit ***the*** vulnerabilities of ***any groups***,***or that use purposefully manipulative techniques*** with the intention to materially distort the behaviour of a person and in a manner that causes or is likely to cause harm to that or another person ***or to their rights or to the values of the Union should be prohibited***. The intention may not be presumed if the distortion of human behaviour results from factors external to the AI system which are outside of the control of the provider or the user. Research for legitimate purposes in relation to such AI systems should not be stifled by the prohibition, if such research does not amount to use of the AI system ***inhuman-machine*** relations that exposes

carried out in accordance with recognised ethical standards for scientific research.	natural persons to harm and such research is carried out in accordance with recognised ethical standards for scientific research.

Or. en

Amendment 429
Maria-Manuel Leitão-Marques, Eva Kaili

Proposal for a regulation
Recital 16

Text proposed by the Commission	*Amendment*
(16) The placing on the market, putting into service or use of certain AI systems intended to distort human behaviour, whereby physical or psychological harms are likely to occur, should be forbidden. Such AI systems deploy subliminal components individuals cannot perceive or exploit vulnerabilities of children and people due to their age, physical or mental incapacities. They do so with the intention to materially distort the behaviour of a person and in a manner that causes or is likely to cause harm to that or another person. The intention may not be presumed if the distortion of human behaviour results from factors external to the AI system which are outside of the control of the provider or the user. Research for legitimate purposes in relation to such AI systems should not be stifled by the prohibition, if such research does not amount to use of the AI system in human-machine relations that exposes natural persons to harm and such research is carried out in accordance with recognised ethical standards for scientific research.	(16) The placing on the market, putting into service or use of certain AI systems intended to distort human behaviour, whereby physical or psychological harms are likely to occur, should be forbidden. Such AI systems deploy subliminal components individuals cannot perceive***, access brain or brain-generated data without consent,*** or exploit vulnerabilities of children and people due to their age, physical or mental incapacities. They do so with the intention to materially distort the behaviour of a person and in a manner that causes or is likely to cause harm to that or another person. The intention may not be presumed if the distortion of human behaviour results from factors external to the AI system which are outside of the control of the provider or the user. Research for legitimate purposes in relation to such AI systems should not be stifled by the prohibition, if such research does not amount to use of the AI system in human-machine relations that exposes natural persons to harm and such research is carried out in accordance with recognised ethical standards for scientific research.

Or. en

Amendment 430

Svenja Hahn, Nicola Beer, Dita Charanzová, Andrus Ansip, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Abir Al-Sahlani, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation
Recital 16

Text proposed by the Commission	*Amendment*
(16) The placing on the market, putting into service or use of certain AI systems ***intended to distort*** human behaviour, whereby physical or psychological harms are likely to occur, should be forbidden. Such AI systems deploy subliminal components individuals cannot perceive or exploit vulnerabilities of ***children and people*** due to their age, ***physical or mental incapacities***. They do so with the intention to materially distort the behaviour of a person and in a manner that causes or is likely to cause harm to that or another person. The intention may not be presumed if the distortion of human behaviour results from factors external to the AI system which are outside of the control of the provider or the user. Research for legitimate purposes in relation to such AI systems should not be stifled by the prohibition, if such research does not amount to use of the AI system ***in human-machine*** relations that exposes natural persons to harm and such research is carried out in accordance with recognised ethical standards for scientific research.	(16) The placing on the market, putting into service or use of certain AI systems ***with the objective to or the effect of distorting*** human behaviour, whereby physical or psychological harms are ***reasonably*** likely to occur, should be forbidden. Such AI systems deploy subliminal components individuals cannot perceive or exploit vulnerabilities of ***specific groups of persons*** due to their age, ***disabilities, social or economic situation***. They do so with the intention to materially distort the behaviour of a person and in a manner that causes or is likely to cause harm to that or another person. The intention may not be presumed if the distortion of human behaviour results from factors external to the AI system which are outside of the control of the provider or the user. Research for legitimate purposes in relation to such AI systems should not be stifled by the prohibition, if such research does not amount to use of the AI system ***inhuman-machine*** relations that exposes natural persons to harm and such research is carried out in accordance with recognised ethical standards for scientific research.

Or. en

Amendment 431
Krzysztof Hetman, Adam Jarubas, Andrzej Halicki, Jerzy Buzek, Janusz Lewandowski, Radosław Sikorski

Proposal for a regulation
Recital 16

Text proposed by the Commission	*Amendment*
(16) The placing on the market, putting into service or use of certain AI systems intended to distort human behaviour, whereby physical or psychological harms are likely to occur, should be forbidden. Such AI systems deploy subliminal components individuals cannot perceive or exploit vulnerabilities of children and people due to their age, physical or mental incapacities. They do so with the intention to materially distort the behaviour of a person and in a manner that causes or is likely to cause harm to that or another person. The intention may not be presumed if the distortion of human behaviour results from factors external to the AI system which are outside of the control of the provider or the user. Research for legitimate purposes in relation to such AI systems should not be stifled by the prohibition, if such research does not amount to use of the AI system in human-machine relations that exposes natural persons to harm and such research is carried out in accordance with recognised ethical standards for scientific research.	(16) The placing on the market, putting into service or use of certain AI systems intended to distort human behaviour, whereby ***with due diligence it could be predicted that*** physical or psychological harms are likely to occur, should be forbidden. Such AI systems deploy subliminal components individuals cannot perceive or exploit vulnerabilities of children and people due to their age, physical or mental incapacities. They do so with the intention to materially distort the behaviour of a person and in a manner that causes or is likely to cause harm to that or another person. The intention may not be presumed if the distortion of human behaviour results from factors external to the AI system which are outside of the control of the provider or the user. Research for legitimate purposes in relation to such AI systems should not be stifled by the prohibition, if such research does not amount to use of the AI system in human-machine relations that exposes natural persons to harm and such research is carried out in accordance with recognised ethical standards for scientific research.

Or. en

Amendment 432
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation
Recital 17

Text proposed by the Commission	*Amendment*
(17) AI systems providing social scoring of natural persons ***for general purpose by public authorities or on their behalf may lead to*** discriminatory ***outcomes and the exclusion of certain groups***. ***They may*** violate the right to dignity and non-discrimination and the values of equality	(17) AI systems providing social scoring of natural persons ***are, by definition,*** discriminatory. ***They*** violate the right to dignity and non-discrimination and the values of equality and justice. Such AI systems evaluate or classify the trustworthiness of natural persons based on

and justice. Such AI systems evaluate or classify the trustworthiness of natural persons based on their social behaviour in multiple contexts or known or predicted personal or personality characteristics. The social score obtained from such AI systems ***may lead*** to the detrimental or unfavourable treatment of natural persons or whole groups ***thereof in social contexts, which are unrelated to the context in which the data was originally generated or collected or to a detrimental treatment that is disproportionate or unjustified to the gravity of their social behaviour***. Such AI systems should be therefore prohibited.

their social behaviour in multiple contexts or known or predicted personal or personality characteristics. The social score obtained from such AI systems ***leads*** to the detrimental or unfavourable treatment of natural persons or whole groups. Such AI systems should be therefore prohibited.

Or. fr

Amendment 433
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
Recital 17

Text proposed by the Commission	*Amendment*
(17) AI systems providing social scoring of natural persons for general purpose by public authorities or on their behalf may lead to discriminatory outcomes and the exclusion of certain groups. They may violate the right to dignity and non-discrimination and the values of equality and justice. Such AI systems evaluate or classify the trustworthiness of natural persons based on their social behaviour in multiple contexts or known or predicted personal or personality characteristics. ***The social score obtained from such AI systems may lead to the detrimental or unfavourable treatment of natural persons or whole groups thereof in social contexts, which are unrelated to the context in which the data was originally generated or collected or to a detrimental treatment that is disproportionate or***	(17) AI systems providing social scoring of natural persons for general purpose by ***private or*** public authorities or on their behalf may lead to discriminatory outcomes and the exclusion of certain groups. They may violate the right to dignity and non-discrimination and the values of equality and justice. Such AI systems evaluate or classify the trustworthiness of natural persons based on their social behaviour in multiple contexts or known or predicted personal or personality characteristics. Such AI systems should be therefore prohibited.

unjustified to the gravity of their social behaviour. Such AI systems should be therefore prohibited.

Or. en

Amendment 434
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuță, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Karen Melchior, Morten Løkkegaard, Alin Mituța

Proposal for a regulation
Recital 17

Text proposed by the Commission	*Amendment*
(17) AI systems providing social scoring of natural persons for general purpose by public authorities or on their behalf may lead to discriminatory outcomes and the exclusion of certain groups. They may violate the right to dignity and non-discrimination and the values of equality and justice. Such AI systems evaluate or classify ***the trustworthiness of*** natural persons based on their social behaviour in multiple contexts or known or predicted personal or personality characteristics. The social score obtained from such AI systems may lead to the detrimental or unfavourable treatment of natural persons or whole groups thereof in social contexts, which are unrelated to the context in which the data was originally generated or collected or to a detrimental treatment that is disproportionate or unjustified to the gravity of their social behaviour. Such AI systems should be therefore prohibited.	(17) AI systems providing social scoring of natural persons for general purpose by public authorities or on their behalf may lead to discriminatory outcomes and the exclusion of certain groups. They may violate the right to dignity and non-discrimination and the values of equality and justice. Such AI systems evaluate or classify natural persons based on their social behaviour in multiple contexts or known or predicted personal or personality characteristics ***using trustworthiness, good citizenship, patriotism, deviancy, or any other such metric as a proxi***. The social score obtained from such AI systems may lead to the detrimental or unfavourable treatment of natural persons or whole groups thereof in social contexts, which are unrelated to the context in which the data was originally generated or collected or to a detrimental treatment that is disproportionate or unjustified to the gravity of their social behaviour. ***This detrimental treatment can also be effected by providing undue and unjustified privileges to groups of people based on their social score.*** Such AI systems should be therefore prohibited.

Or. en

Amendment 435
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 17

Text proposed by the Commission	*Amendment*
(17) AI systems ***providing*** social ***scoring*** of natural persons ***for general purpose by public authorities or on their behalf*** may lead to discriminatory outcomes and the exclusion of certain groups. They may violate the right to dignity and non-discrimination and the values of equality and justice. Such AI systems evaluate or classify the trustworthiness of natural persons based on their social behaviour in multiple contexts or known or predicted personal or personality characteristics. The social score obtained from such AI systems may lead to the detrimental or unfavourable treatment of natural persons or whole groups thereof ***in social contexts***, which are unrelated to the context in which the data was originally generated or collected or to a detrimental treatment that is disproportionate or unjustified to the gravity of their social behaviour. Such AI systems should be therefore prohibited.	(17) AI systems ***that evaluate, classify, rate or score the trustworthiness or*** social ***standing*** of natural persons may lead to discriminatory outcomes and the exclusion of certain groups. They may violate the right to dignity and non-discrimination and the values of equality and justice. Such AI systems evaluate or classify the trustworthiness ***or social standing*** of natural persons based on ***multiple data points related to*** their social behaviour in multiple contexts or known***, inferred*** or predicted personal or personality characteristics. The social score obtained from such AI systems may lead to the detrimental or unfavourable treatment of natural persons or whole groups thereof, which are unrelated to the context in which the data was originally generated or collected or to a detrimental treatment that is disproportionate or unjustified to the gravity of their social behaviour. Such AI systems should be therefore prohibited.

Or. en

Amendment 436
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Recital 17

Text proposed by the Commission	*Amendment*
(17) AI systems providing social scoring of natural persons for general purpose ***by public authorities or on their behalf*** may lead to discriminatory outcomes and the	(17) AI systems providing social scoring of natural persons for general purpose may lead to discriminatory outcomes and the exclusion of certain groups. They may

exclusion of certain groups. They may violate the right to dignity and non-discrimination and the values of equality and justice. Such AI systems evaluate or classify the trustworthiness of natural persons based on their social behaviour in multiple contexts or known or predicted personal or personality characteristics. The social score obtained from such AI systems may lead to the detrimental or unfavourable treatment of natural persons or whole groups thereof in social contexts, which are unrelated to the context in which the data was originally generated or collected or to a detrimental treatment that is disproportionate or unjustified to the gravity of their social behaviour. Such AI systems should be therefore prohibited.

violate the right to dignity and non-discrimination and the values of equality and justice. Such AI systems evaluate or classify the trustworthiness of natural persons based on their social behaviour in multiple contexts or known or predicted personal or personality characteristics. The social score obtained from such AI systems may lead to the detrimental or unfavourable treatment of natural persons or whole groups thereof in social contexts, which are unrelated to the context in which the data was originally generated or collected or to a detrimental treatment that is disproportionate or unjustified to the gravity of their social behaviour. Such AI systems should be therefore prohibited.

Or. en

Amendment 437
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 17

Text proposed by the Commission	*Amendment*
(17) AI systems providing social scoring of natural persons for general purpose by public authorities or on their behalf may lead to discriminatory outcomes and the exclusion of certain groups. They ***may*** violate the right to dignity and non-discrimination and the values of equality and justice. Such AI systems evaluate or classify ***the trustworthiness of*** natural persons based on their social behaviour in multiple contexts or known or predicted personal or personality characteristics. The social score obtained from such AI systems ***may*** lead to the detrimental or unfavourable treatment of natural persons or whole groups thereof in social contexts, which are unrelated to the context in which the data was originally generated or collected or to a detrimental treatment that	(17) AI systems providing social scoring of natural persons for general purpose by public authorities or on their behalf may lead to discriminatory outcomes and the exclusion of certain groups. They violate the right to dignity and non-discrimination and the values of equality and justice. Such AI systems evaluate or classify natural persons based on their social behaviour in multiple contexts or known or predicted personal or personality characteristics. The social score obtained from such AI systems lead to the detrimental or unfavourable treatment of natural persons or whole groups thereof in social contexts, which are unrelated to the context in which the data was originally generated or collected or to a detrimental treatment that is disproportionate or unjustified to the

is disproportionate or unjustified to the gravity of their social behaviour. Such AI systems should be therefore prohibited.	gravity of their social behaviour. Such AI systems should be therefore prohibited.

Or. en

Amendment 438
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission	*Amendment*
	(17 a) The placing on the market, putting into service or use of certain AI systems that can be used or foreseeably misused for intrusive monitoring and flagging to identify or deter rule-breaking or fraud should be forbidden. The use of such intrusive monitoring and flagging in a relationship of power, such as the use of e-proctoring software by education institutions to monitor students and pupils, or the use of surveillance- or monitoring software by employers on workers poses an unacceptable risk to the fundamental rights of workers, students and pupils, including minors. Notably, these practices affect the right to private life, data protection and human dignity of students and pupils, including minors.

Or. en

Amendment 439
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission	*Amendment*
	(17 a) AI systems that are intended for use to protect consumers and prevent

fraudulent activities should not necessarily be considered high-risk under this Regulation. As set by Article 94 of the Directive (EU) 2015/2366, payment systems and payment service providers should be allowed to process data to safeguard the prevention, investigation and detection of payment fraud. Therefore AI systems used to process data to safeguard the prevention, investigation and detection of fraud may not be considered as high-risk AI systems for the purpose of this Regulation.

Or. en

Amendment 440
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Brando Benifei

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission	*Amendment*
	(17 a) AI systems used by law enforcement authorities or on their behalf to make predictions, profiles or risk assessments based on data analysis or profiling of natural groups or locations, for the purpose of predicting the occurrence or reoccurrence of an actual or potential criminal offence(s) or other criminalised social behaviour, hold a particular risk of discrimination against certain persons or groups of persons, as they violate human dignity as well as the key legal principle of presumption of innocence. Such AI systems should therefore be prohibited.

Or. en

Amendment 441
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission	*Amendment*
	(17 a) AI systems used in law enforcement and criminal justice contexts based on predictive methods, profiling and risk assessment pose an unacceptable risk to fundamental rights and in particular to the right of non-discrimination, insofar as they contradict the fundamental right to be presumed innocent and are reflective of historical, systemic, institutional and societal discrimination and other discriminatory practices. These AI systems should therefore be prohibited;

Or. en

Amendment 442
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
Recital 17 a (new)

Text proposed by the Commission	*Amendment*
	(17 a) AI systems used by law enforcement authorities or on their behalf to predict the probability of a natural person to offend or to reoffend, based on profiling and individual or place-based risk-assessment hold a particular risk of discrimination against certain persons or groups of persons, as they violate human dignity as well as the key legal principle of presumption of innocence. Such AI systems should therefore be prohibited.

Or. en

Amendment 443

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Karen Melchior, Sandro Gozi, Vlad-Marius Botoş, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlani, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission	*Amendment*
	(17 a) AI systems used by law enforcement authorities or on their behalf to predict the probability of a natural person to offend or to reoffend, based on profiling and individual risk-assessment hold a particular risk of discrimination against certain persons or groups of persons, as they violate human dignity as well as the key legal principle of presumption of innocence. Such AI systems should therefore be prohibited.

Or. en

Justification

Predictive policing targeting natural persons should be prohibited without exemptions as it violates the presumption of innocence as well as human dignity.

Amendment 444
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 17 b (new)

Text proposed by the Commission	*Amendment*
	(17 b) Insofar as such systems could ever function as intended, AI-based emotion recognition systems carry unacceptable risk for the essence of fundamental rights, such as human dignity and freedom of expression and must be prohibited. Exceptions for therapeutic tools or assistive technologies for personal use only could, nonetheless, be envisaged. However, this should only be permitted if the scientific basis and clinical validity of

such systems have been demonstrated, where it can be shown that affected groups were active participants in the development process, and where the rights of everyone that is likely to be affected by the system, and not just the deployer , are clearly respected. Such systems should always be subject to careful oversight and transparency.

Or. en

Amendment 445
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 17 c (new)

Text proposed by the Commission	*Amendment*
	(17 c) Similarly, ostensible truth-detection technologies, such as polygraphs, have a long and unsuccessful history of abuse, misselling, miscarriages of justice and failure. The problems underlying these failures are exacerbated in the field of migration, which thusfar has been tarnished by new failings due to, inter alia to incorrect cultural assumptions. Such technologies therefore cannot be used while protecting the essence of all relevant fundamental rights.

Or. en

Amendment 446
Jörgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation
Recital 18

Text proposed by the Commission	*Amendment*
(18) The use of AI systems for 'real-	***deleted***

time' remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement is considered particularly intrusive in the rights and freedoms of the concerned persons, to the extent that it may affect the private life of a large part of the population, evoke a feeling of constant surveillance and indirectly dissuade the exercise of the freedom of assembly and other fundamental rights. In addition, the immediacy of the impact and the limited opportunities for further checks or corrections in relation to the use of such systems operating in 'real-time' carry heightened risks for the rights and freedoms of the persons that are concerned by law enforcement activities.

Or. en

Justification

Instead of blanketly banning the law enforcement's use of facial recognition AI, these systems should be incorporated in the list of high-risk AI systems and subject to strict control. Such modern AI software can process information and images at lightning speed and with great precision - tasks that would take days for a human law enforcement agent to go through. Also with much less risk of bias, when the programs are diligently designed. Using such technology can help law enforcement not only prevent crimes, but also react rapidly when they occur, and provide a very powerful tool to investigate serious crimes.

Amendment 447
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Brando Benifei

Proposal for a regulation
Recital 18

Text proposed by the Commission	*Amendment*
(18) The use of AI systems for ***'real-time'*** remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement is considered particularly intrusive in the rights and freedoms of the concerned persons, to the extent that it may affect the private life of a large part of the	(18) The use of AI systems for remote biometric identification of natural persons in publicly ***or privately*** accessible spaces***, as well as online spaces,*** for the purpose of law enforcement is considered particularly intrusive in the rights and freedoms of the concerned persons, to the extent that it may affect the private life of a large part of the

population, evoke a feeling of constant surveillance and indirectly dissuade the exercise of the freedom of assembly and other fundamental rights. In addition, ***the immediacy of*** the impact and the ***limited opportunities for further checks or corrections in relation to the use of such systems operating in 'real-time' carry*** heightened risks for the rights and freedoms of the persons that are concerned by law enforcement activities.

population, evoke a feeling of constant surveillance and indirectly dissuade the exercise of the freedom of assembly and other fundamental rights. ***Technical inaccuracies of AI systems intended for the remote biometric identification of natural persons can lead to biased results and entail discriminatory effects. This is particularly relevant when it comes to age, ethnicity, sex or disabilities.*** In addition, ***whether such systems are used in 'real-time' or post factum, there is little difference on*** the impact and the heightened risks for the rights and freedoms of the persons that are concerned by law enforcement activities. ***The placing or making available on the market, the putting into service or use of those systems should therefore be prohibited.***

Or. en

Amendment 448
Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Marc Angel

Proposal for a regulation
Recital 18

Text proposed by the Commission	*Amendment*
(18) The use of AI systems for ***'real-time'*** remote biometric identification of natural persons in publicly accessible spaces ***for the purpose of law enforcement is considered*** particularly intrusive in the rights and freedoms of the concerned persons, to the extent that it may affect the private life of a large part of the population, evoke a feeling of constant surveillance and indirectly dissuade the exercise of the freedom of assembly and other fundamental rights. ***In addition, the immediacy of the impact and the limited opportunities for further checks or corrections in relation to the use of*** such systems ***operating in 'real-time' carry heightened risks for the rights and***	(18) The use of AI systems for remote biometric identification of natural persons in publicly ***or privately*** accessible spaces ***is*** particularly intrusive in the rights and freedoms of the concerned persons, to the extent that it may affect the private life of a large part of the population, evoke a feeling of constant surveillance and indirectly dissuade the exercise of the freedom of assembly and other fundamental rights. Such systems ***should therefore be prohibited***.

freedoms of the persons that are concerned by law enforcement activities.

Or. en

Amendment 449
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä, Patrick Breyer, Marcel Kolaja
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 18

Text proposed by the Commission	*Amendment*
(18) The use of AI systems for ***'real-time' remote*** biometric identification of natural persons in publicly accessible spaces ***for the purpose of law enforcement is considered*** particularly ***intrusive in*** the rights and freedoms of the concerned persons***, to the extent that it may*** affect the private life of a large part of the population, ***evoke a*** feeling of constant surveillance and indirectly dissuade the exercise of ***the*** freedom of assembly and other fundamental rights***. In addition, the immediacy of the impact and the limited opportunities for further checks or corrections in relation*** to the ***use of such systems operating in 'real-time' carry heightened risks for the rights and freedoms of the persons that are concerned by law enforcement activities***.	(18) The use of AI systems for biometric identification of natural persons in publicly accessible spaces ***is*** particularly ***corrosive to*** the rights and freedoms of the concerned persons ***and can ultimately*** affect the private life of a large part of the population, ***leave society with a justifiable*** feeling of constant surveillance***, give parties deploying biometric identification in publicly accessible spaces a position of uncontrollable power*** and indirectly dissuade ***individuals from*** the exercise of ***their*** freedom of assembly and other fundamental rights ***at the core to the Rule of Law. Biometric identification not carried out in real time carries different but equally problematic risks. Due*** to the ***increase in pervasiveness, functionality and memory capacities of relevant devices, this would amount to a "surveillance time machine", which could be used to track movements and social interactions stretching back an indeterminate period into the past***.

Or. en

Amendment 450
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Karen Melchior, Róża Thun und Hohenstein, Vlad-Marius Botoş, Samira Rafaela, Monica Semedo, Salima Yenbou, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Recital 18

Text proposed by the Commission	*Amendment*
(18) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible spaces ***for the purpose of law enforcement*** is considered particularly intrusive in the rights and freedoms of the concerned persons, to the extent that it may affect the private life of a large part of the population, evoke a feeling of constant surveillance and indirectly dissuade the exercise of the freedom of assembly and other fundamental rights. In addition, the immediacy of the impact and the limited opportunities for further checks or corrections in relation to the use of such systems operating in 'real-time' carry heightened risks for the rights and freedoms of the persons that are concerned by law enforcement activities.	(18) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible spaces is considered particularly intrusive in the rights and freedoms of the concerned persons, to the extent that it may affect the private life of a large part of the population, evoke a feeling of constant surveillance and indirectly dissuade the exercise of the freedom of assembly and other fundamental rights. In addition, the immediacy of the impact and the limited opportunities for further checks or corrections in relation to the use of such systems operating in 'real-time' carry heightened risks for the rights and freedoms of the persons that are concerned by law enforcement activities. ***The use of those systems in publicly accessible places should therefore be prohibited.***

Or. en

Amendment 451
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuță, Ramona Strugariu, Dragoş Pîslaru, Irena Joveva, Sophia in 't Veld, Karen Melchior, Svenja Hahn, Alin Mituța

Proposal for a regulation
Recital 18

Text proposed by the Commission	*Amendment*
(18) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible spaces ***for the purpose of law enforcement*** is considered particularly intrusive in the rights and freedoms of the concerned persons, to the extent that it may affect the private life of a large part of the population, evoke a feeling of constant	(18) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible spaces is considered particularly intrusive in the rights and freedoms of the concerned persons, to the extent that it may affect the private life of a large part of the population, evoke a feeling of constant surveillance and indirectly dissuade the

surveillance and indirectly dissuade the exercise of the freedom of assembly and other fundamental rights. In addition, the immediacy of the impact and the limited opportunities for further checks or corrections in relation to the use of such systems operating in ‘real-time’ carry heightened risks for the rights and freedoms of the persons that are concerned by law enforcement activities.

exercise of the freedom of assembly and other fundamental rights. In addition, the immediacy of the impact and the limited opportunities for further checks or corrections in relation to the use of such systems operating in ‘real-time’ carry heightened risks for the rights and freedoms of the persons that are concerned by law enforcement activities. ***The use of those systems in publicly accessible places should therefore be prohibited.***

Or. en

Amendment 452
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 18

Text proposed by the Commission	*Amendment*
(18) The use of AI systems for ‘real-time’ remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement is considered particularly intrusive in the rights and freedoms of the concerned persons, to the extent that it may affect the private life of a large part of the population, evoke a feeling of constant surveillance and indirectly dissuade the exercise of the freedom of assembly and other fundamental rights. In addition, the immediacy of the impact and the limited opportunities for further checks or corrections in relation to the use of such systems operating in ‘real-time’ carry heightened risks for the rights and freedoms of the persons that are concerned by law enforcement activities.	(18) The use of AI systems for ‘real-time’ remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement is considered particularly intrusive in the rights and freedoms of the concerned persons, to the extent that it may affect the private life of a large part of the population, evoke a feeling of constant surveillance and indirectly dissuade the exercise of the freedom of assembly and other fundamental rights. In addition, the immediacy of the impact and the limited opportunities for further checks or corrections in relation to the use of such systems operating in ‘real-time’ carry heightened risks for the rights and freedoms of the persons that are concerned by law enforcement activities. ***Such AI systems should be therefore prohibited.***

Or. en

Amendment 453

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

Proposal for a regulation
Recital 18

Text proposed by the Commission	*Amendment*
(18) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement is considered particularly intrusive in the rights and freedoms of the concerned persons, to the extent that it may affect the private life of a large part of the population, evoke a feeling of constant surveillance and indirectly dissuade the exercise of the freedom of assembly and other fundamental rights. In addition, the immediacy of the impact and the limited opportunities for further checks or corrections in relation to the use of such systems operating in 'real-time' carry heightened risks for the rights and freedoms of the persons that are concerned by law enforcement activities.	(18) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible ***or online*** spaces for the purpose of law enforcement is considered particularly intrusive in the rights and freedoms of the concerned persons, to the extent that it may affect the private life of a large part of the population, evoke a feeling of constant surveillance and indirectly dissuade the exercise of the freedom of assembly and other fundamental rights. In addition, the immediacy of the impact and the limited opportunities for further checks or corrections in relation to the use of such systems operating in 'real-time' carry heightened risks for the rights and freedoms of the persons that are concerned by law enforcement activities.

Or. en

Amendment 454
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

Proposal for a regulation
Recital 18

Text proposed by the Commission	*Amendment*
(18) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible spaces ***for the purpose of law enforcement*** is considered particularly intrusive in the rights and freedoms of the concerned persons, to the extent that it may affect the private life of a large part of the population, evoke a feeling of constant surveillance and indirectly dissuade the exercise of the freedom of assembly and	(18) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible spaces is considered particularly intrusive in the rights and freedoms of the concerned persons, to the extent that it may affect the private life of a large part of the population, evoke a feeling of constant surveillance and indirectly dissuade the exercise of the freedom of assembly and other fundamental rights. In addition, the

other fundamental rights. In addition, the immediacy of the impact and the limited opportunities for further checks or corrections in relation to the use of such systems operating in 'real-time' carry heightened risks for the rights and freedoms of the persons that are concerned by law enforcement activities.	immediacy of the impact and the limited opportunities for further checks or corrections in relation to the use of such systems operating in 'real-time' carry heightened risks for the rights and freedoms of the persons that are concerned by law enforcement activities.

Or. en

Amendment 455
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation
Recital 18

Text proposed by the Commission	*Amendment*
(18) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement is considered particularly intrusive in the rights and freedoms of the concerned persons, to the extent that it ***may affect*** the private life of a large part of the population, ***evoke a feeling of*** constant surveillance and indirectly ***dissuade*** the exercise of the freedom of assembly and other fundamental rights. In addition, the immediacy of the impact and the limited opportunities for further checks or corrections in relation to the use of such systems operating in 'real-time' carry heightened risks for the rights and freedoms of the persons that are concerned by law enforcement activities.	(18) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement is considered particularly intrusive in the rights and freedoms of the concerned persons, to the extent that it ***affects*** the private life of a large part of the population, ***constitutes*** constant surveillance and indirectly ***dissuades*** the exercise of the freedom of assembly and other fundamental rights. In addition, the immediacy of the impact and the limited opportunities for further checks or corrections in relation to the use of such systems operating in 'real-time' carry heightened risks for the rights and freedoms of the persons that are concerned by law enforcement activities.

Or. fr

Amendment 456
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini, Brando Benifei

Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission	*Amendment*
	(18 a) Despite progress regarding biometric identification technologies, the accuracy of the results still varies across technologies and depends on contextual factors. Even the relatively well-established fingerprint identification applications face challenges, in particular at the stage of the collection of biometric data (related to, for example, subject's age). The reliability of face recognition technologies in 'real world' settings is highly dependent on the quality of the images captured and on the quality of the algorithms used for biometric matching. During enrolment, poor quality images taken at e-gates or through a CCTV camera under variable environmental conditions may result in less accurate results. As in the case of automated fingerprint identification, changes in a person's physical characteristics over time may also affect the accuracy of facial recognition technologies. Research has found a considerable degradation in performance for face recognition algorithms on children as compared to the performance obtained on adults. In light of this, the placing or making available on the market, the putting into service or use of remote biometric identification systems should be prohibited.

Or. en

Amendment 457
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission	*Amendment*
	(18 a) The notion of 'at a distance' in

Remote Biometric Identification (RBI) means the use of systems as described in Article 3(36), at a distance great enough that the system has the capacity to scan multiple persons in its field of view (or the equivalent generalised scanning of online / virtual spaces), which would mean that the identification could happen without one or more of the data subjects' knowledge. Because RBI relates to how a system is designed and installed, and not solely to whether or not data subjects have consented, this definition applies even when warning notices are placed in the location that is under the surveillance of the RBI system, and is not de facto annulled by pre-enrolment.

Or. en

Amendment 458
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission	*Amendment*
	(18 a) The notion of 'at a distance' in Remote Biometric Identification (RBI) means the use of systems as described in Article 3(36), at a distance great enough that the system has the capacity to scanmultiple persons in its field of view (or the equivalent generalised scanning of online / virtual spaces), which would mean that the identification could happen without one or more of the data subjects' knowledge. Because RBI relates to how a system is designed and installed, and not solely to whether or not data subjects have consented, this definition applies even when warning notices are placed in the location that is under the surveillance of the RBI system, and is not defacto annulled by pre-enrollment.

Or. en

Amendment 459
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission	*Amendment*
	(18 a) The use of data collected or generated by practices prohibited under this Regulation should also be prohibited. Within the framework of judicial and administrative proceedings, the responsible authorities should establish that data collected or generated by practices prohibited under this regulation should not be admissible.

Or. en

Amendment 460
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini, Brando Benifei

Proposal for a regulation
Recital 18 b (new)

Text proposed by the Commission	*Amendment*
	(18 b) There are serious concerns about the scientific basis of AI systems aiming to detect emotions from facial expressions. Facial expressions and perceptions thereof vary considerably across cultures and situations, and even within a single person. Among the key shortcomings of such technologies are the limited reliability (emotion categories are neither reliably expressed through, nor unequivocally associated with, a common set of facial movements), the lack of specificity (facial expressions do not perfectly match emotion categories) and the limited generalisability (the effects of context and culture are not sufficiently

considered). Reliability issues may also arise when deploying the system in real-life situations, for example, when dealing with subjects who actively seek (and train themselves) to fool the system. Therefore, the placing on the market, putting into service, or use of AI systems intended to be used as polygraphs and similar tools to detect the emotional state, trustworthiness or related characteristics of a natural person, should be prohibited.

Or. en

Amendment 461
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 18 b (new)

Text proposed by the Commission	*Amendment*
	(18 b) 'Biometric categorisation systems' are defined as AI systems that assign natural persons to specific categories, or infer their characteristics or attributes. 'Categorisation' shall include any sorting of natural persons, whether into discrete categories (e.g. male/female, suspicious/not-suspicious), on a numerical scale (e.g. using the Fitzpatrick scale for skin type) or any other form of assigning labels or values to people. 'Inferring an attribute or characteristic' shall include any situation in which an AI system uses one type of data about a natural person (e.g. hair colour) to ascribe a different attribute or characteristic to that person (e.g. ethnic origin).

Or. en

Amendment 462
Jörgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) The use of those systems for the purpose of law enforcement should therefore be prohibited, except in three exhaustively listed and narrowly defined situations, where the use is strictly necessary to achieve a substantial public interest, the importance of which outweighs the risks. Those situations involve the search for potential victims of crime, including missing children; certain threats to the life or physical safety of natural persons or of a terrorist attack; and the detection, localisation, identification or prosecution of perpetrators or suspects of the criminal offences referred to in Council Framework Decision 2002/584/JHA[38] if those criminal offences are punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years and as they are defined in the law of that Member State. Such threshold for the custodial sentence or detention order in accordance with national law contributes to ensure that the offence should be serious enough to potentially justify the use of 'real-time' remote biometric identification systems. Moreover, of the 32 criminal offences listed in the Council Framework Decision 2002/584/JHA, some are in practice likely to be more relevant than others, in that the recourse to 'real-time' remote biometric identification will foreseeably be necessary and proportionate to highly varying degrees for the practical pursuit of the detection, localisation, identification or prosecution of a perpetrator or suspect of the different criminal offences listed and having regard to the likely differences in the seriousness, probability and scale of the harm or possible negative consequences.	***deleted***

[38] Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

Or. en

Justification

Instead of blanketly banning the law enforcement's use of facial recognition AI, these systems should be incorporated in the list of high-risk AI systems and subject to strict control. Such modern AI software can process information and images at lightning speed and with great precision - tasks that would take days for a human law enforcement agent to go through. Also with much less risk of bias, when the programs are diligently designed. Using such technology can help law enforcement not only prevent crimes, but also react rapidly when they occur, and provide a very powerful tool to investigate serious crimes.

Amendment 463
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) The use of those systems for the purpose of law enforcement should therefore be prohibited, except in three exhaustively listed and narrowly defined situations, where the use is strictly necessary to achieve a substantial public interest, the importance of which outweighs the risks. Those situations involve the search for potential victims of crime, including missing children; certain threats to the life or physical safety of natural persons or of a terrorist attack; and the detection, localisation, identification or prosecution of perpetrators or suspects of the criminal offences referred to in Council Framework Decision 2002/584/JHA[38] if those criminal offences are punishable in the Member State concerned by a custodial sentence or a detention order for	***deleted***

a maximum period of at least three years and as they are defined in the law of that Member State. Such threshold for the custodial sentence or detention order in accordance with national law contributes to ensure that the offence should be serious enough to potentially justify the use of 'real-time' remote biometric identification systems. Moreover, of the 32 criminal offences listed in the Council Framework Decision 2002/584/JHA, some are in practice likely to be more relevant than others, in that the recourse to 'real-time' remote biometric identification will foreseeably be necessary and proportionate to highly varying degrees for the practical pursuit of the detection, localisation, identification or prosecution of a perpetrator or suspect of the different criminal offences listed and having regard to the likely differences in the seriousness, probability and scale of the harm or possible negative consequences.

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[38] Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

Or. en

Amendment 464
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Karen Melchior, Róża Thun und Hohenstein, Vlad-Marius Botoş, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlani, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) The use of those systems for the purpose of law enforcement should therefore be prohibited, except in three exhaustively listed and narrowly defined	***deleted***

situations, where the use is strictly necessary to achieve a substantial public interest, the importance of which outweighs the risks. Those situations involve the search for potential victims of crime, including missing children; certain threats to the life or physical safety of natural persons or of a terrorist attack; and the detection, localisation, identification or prosecution of perpetrators or suspects of the criminal offences referred to in Council Framework Decision 2002/584/JHA[38] if those criminal offences are punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years and as they are defined in the law of that Member State. Such threshold for the custodial sentence or detention order in accordance with national law contributes to ensure that the offence should be serious enough to potentially justify the use of 'real-time' remote biometric identification systems. Moreover, of the 32 criminal offences listed in the Council Framework Decision 2002/584/JHA, some are in practice likely to be more relevant than others, in that the recourse to 'real-time' remote biometric identification will foreseeably be necessary and proportionate to highly varying degrees for the practical pursuit of the detection, localisation, identification or prosecution of a perpetrator or suspect of the different criminal offences listed and having regard to the likely differences in the seriousness, probability and scale of the harm or possible negative consequences.

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[38] Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

Or. en

Amendment 465
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) The use of those systems for the purpose of law enforcement should therefore be prohibited, except in three exhaustively listed and narrowly defined situations, where the use is strictly necessary to achieve a substantial public interest, the importance of which outweighs the risks. Those situations involve the search for potential victims of crime, including missing children; certain threats to the life or physical safety of natural persons or of a terrorist attack; and the detection, localisation, identification or prosecution of perpetrators or suspects of the criminal offences referred to in Council Framework Decision 2002/584/JHA[38] if those criminal offences are punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years and as they are defined in the law of that Member State. Such threshold for the custodial sentence or detention order in accordance with national law contributes to ensure that the offence should be serious enough to potentially justify the use of 'real-time' remote biometric identification systems. Moreover, of the 32 criminal offences listed in the Council Framework Decision 2002/584/JHA, some are in practice likely to be more relevant than others, in that the recourse to 'real-time' remote biometric identification will foreseeably be necessary and proportionate to highly varying degrees for the practical pursuit of the detection, localisation, identification or prosecution of a perpetrator or suspect of the different	***deleted***

criminal offences listed and having regard to the likely differences in the seriousness, probability and scale of the harm or possible negative consequences.

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[38] Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

Or. en

Amendment 466
Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Marc Angel

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) The use of those systems for the purpose of law enforcement should therefore be prohibited, except in three exhaustively listed and narrowly defined situations, where the use is strictly necessary to achieve a substantial public interest, the importance of which outweighs the risks. Those situations involve the search for potential victims of crime, including missing children; certain threats to the life or physical safety of natural persons or of a terrorist attack; and the detection, localisation, identification or prosecution of perpetrators or suspects of the criminal offences referred to in Council Framework Decision 2002/584/JHA[38] if those criminal offences are punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years and as they are defined in the law of that Member State. Such threshold for the custodial sentence or detention order in accordance with national law contributes	***deleted***

to ensure that the offence should be serious enough to potentially justify the use of 'real-time' remote biometric identification systems. Moreover, of the 32 criminal offences listed in the Council Framework Decision 2002/584/JHA, some are in practice likely to be more relevant than others, in that the recourse to 'real-time' remote biometric identification will foreseeably be necessary and proportionate to highly varying degrees for the practical pursuit of the detection, localisation, identification or prosecution of a perpetrator or suspect of the different criminal offences listed and having regard to the likely differences in the seriousness, probability and scale of the harm or possible negative consequences.

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[38] Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

Or. en

Amendment 467
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuță, Ramona Strugariu, Dragoş Pîslaru, Irena Joveva, Sophia in 't Veld, Karen Melchior, Svenja Hahn, Alin Mituța

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) The use of those systems for the purpose of law enforcement should therefore be prohibited, except in three exhaustively listed and narrowly defined situations, where the use is strictly necessary to achieve a substantial public interest, the importance of which outweighs the risks. Those situations involve the search for potential victims of	***deleted***

crime, including missing children; certain threats to the life or physical safety of natural persons or of a terrorist attack; and the detection, localisation, identification or prosecution of perpetrators or suspects of the criminal offences referred to in Council Framework Decision 2002/584/JHA[38] if those criminal offences are punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years and as they are defined in the law of that Member State. Such threshold for the custodial sentence or detention order in accordance with national law contributes to ensure that the offence should be serious enough to potentially justify the use of 'real-time' remote biometric identification systems. Moreover, of the 32 criminal offences listed in the Council Framework Decision 2002/584/JHA, some are in practice likely to be more relevant than others, in that the recourse to 'real-time' remote biometric identification will foreseeably be necessary and proportionate to highly varying degrees for the practical pursuit of the detection, localisation, identification or prosecution of a perpetrator or suspect of the different criminal offences listed and having regard to the likely differences in the seriousness, probability and scale of the harm or possible negative consequences.

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[38] Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

Or. en

Amendment 468
Jorge Buxadé Villalba

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) The use of those systems for the purpose of law enforcement ***should*** therefore be prohibited, ***except in three exhaustively listed and narrowly defined situations, where the use is strictly necessary to achieve a substantial public interest, the importance of which outweighs the risks. Those situations involve the search for potential victims of crime, including missing children; certain threats to the life or physical safety of natural persons or of a terrorist attack; and the detection, localisation, identification or prosecution of perpetrators or suspects of the criminal offences referred to in Council Framework Decision 2002/584/JHA[38]if those criminal offences are punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years and as they are defined in the law of that Member State. Such threshold for the custodial sentence or detention order in accordance with national law contributes to ensure that the offence should be serious enough to potentially justify the use of 'real-time' remote biometric identification systems. Moreover, of the 32 criminal offences listed in the Council Framework Decision 2002/584/JHA, some are in practice likely to be more relevant than others, in that the recourse to 'real-time' remote biometric identification will foreseeably be necessary and proportionate to highly varying degrees for the practical pursuit of the detection, localisation, identification or prosecution of a perpetrator or suspect of the different criminal offences listed and having regard to the likely differences*** in the ***seriousness, probability and scale*** of the ***harm or possible negative consequences***.	(19) The use of those systems for the purpose of law enforcement ***must*** therefore be prohibited, ***with the exception of border control and*** in the ***context*** of the ***fight against terrorism***.

[38] Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

Or. es

Amendment 469
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) The use of those systems for the purpose of law enforcement should therefore be prohibited***, except in three exhaustively listed and narrowly defined situations, where the use is strictly necessary to achieve a substantial public interest, the importance of which outweighs the risks. Those situations involve the search for potential victims of crime, including missing children; certain threats to the life or physical safety of natural persons or of a terrorist attack; and the detection, localisation, identification or prosecution of perpetrators or suspects of the criminal offences referred to in Council Framework Decision 2002/584/JHA[38] if those criminal offences are punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years and as they are defined in the law of that Member State. Such threshold for the custodial sentence or detention order in accordance with national law contributes to ensure that the offence should be serious enough to potentially justify the use of 'real-time' remote biometric identification systems. Moreover, of the 32 criminal offences listed in the Council***	(19) The use of those systems for the purpose of law enforcement should therefore be prohibited.

Framework Decision 2002/584/JHA, some are in practice likely to be more relevant than others, in that the recourse to 'real-time' remote biometric identification will foreseeably be necessary and proportionate to highly varying degrees for the practical pursuit of the detection, localisation, identification or prosecution of a perpetrator or suspect of the different criminal offences listed and having regard to the likely differences in the seriousness, probability and scale of the harm or possible negative consequences.

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[38] Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

Or. en

Amendment 470
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä, Patrick Breyer, Marcel Kolaja
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) The use of ***those*** systems for ***the purpose of law enforcement should therefore be prohibited, except in three exhaustively listed and narrowly defined situations, where the use is strictly necessary to achieve a substantial public interest, the importance of which outweighs the risks. Those situations involve the search for potential victims of crime, including missing children; certain threats to the life or physical safety of natural persons or of a terrorist attack; and the detection, localisation, identification or prosecution of***	(19) The use of ***AI*** systems for remote biometric identification ***of individuals should therefore be prohibited***

perpetrators or suspects of the criminal offences referred to in Council Framework Decision 2002/584/JHA[38] ***if those criminal offences are punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years and as they are defined in the law of that Member State. Such threshold for the custodial sentence or detention order in accordance with national law contributes to ensure that the offence should be serious enough to potentially justify the use of 'real-time'*** remote biometric identification ***systems. Moreover, of the 32 criminal offences listed in the Council Framework Decision 2002/584/JHA, some are in practice likely to be more relevant than others, in that the recourse to 'real-time' remote biometric identification will foreseeably be necessary and proportionate to highly varying degrees for the practical pursuit of the detection, localisation, identification or prosecution of a perpetrator or suspect of the different criminal offences listed and having regard to the likely differences in the seriousness, probability and scale of the harm or possible negative consequences.***

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[38] Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

Or. en

Amendment 471
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*

(19) The use of those systems for the purpose of law enforcement should therefore be prohibited, except in three exhaustively listed and narrowly defined situations, where the use is strictly necessary to achieve a substantial public interest, the importance of which outweighs the risks. Those situations involve the search for potential victims of crime, including missing children; certain threats to the life or physical safety of natural persons or of a terrorist attack; and the detection, localisation, identification or prosecution of perpetrators or suspects of ***the*** criminal offences ***referred to in Council Framework Decision 2002/584/JHA[38]if those criminal offences*** are punishable ***in the Member State concerned*** by a custodial sentence or a detention order for a maximum period of at least ***three*** years ***and as they are defined*** in the ***law of that*** Member State. Such threshold for the custodial sentence or detention order in accordance with national law contributes to ensure that the offence should be serious enough to potentially justify the use of 'real-time' remote biometric identification systems. ***Moreover, of the 32 criminal offences listed in the Council Framework Decision 2002/584/JHA, some are in practice likely to be more relevant than others, in that the recourse to 'real-time' remote biometric identification will foreseeably be necessary and proportionate to highly varying degrees*** for the ***practical pursuit of the detection, localisation, identification or prosecution of a perpetrator or suspect of the different*** criminal ***offences listed and having regard to the likely differences in the seriousness, probability and scale of the harm or possible negative consequences***.

[38] Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member

(19) The use of those systems for the purpose of law enforcement should therefore be prohibited, except in three exhaustively listed and narrowly defined situations, where the use is ***ad hoc and*** strictly necessary to achieve a substantial public interest, the importance of which outweighs the risks. Those situations involve the search for potential victims of crime, including missing children; certain threats to the life or physical safety of natural persons or of a terrorist attack; and the detection, localisation, identification or prosecution of perpetrators or suspects of criminal offences ***if they*** are punishable by a custodial sentence or a detention order for a maximum period of at least ***ten*** years in the Member State ***concerned***. Such threshold for the custodial sentence or detention order in accordance with national law contributes to ensure that the offence should be serious enough to potentially justify the use of 'real-time' remote biometric identification systems. ***The nature of the offences deemed sufficiently serious to justify a penalty up to this threshold is a matter*** for the ***national legislation of each Member State in accordance with its own*** criminal ***law***.

States (OJ L 190, 18.7.2002, p. 1).

Or. fr

Amendment 472
Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Marc Angel

Proposal for a regulation
Recital 20

Text proposed by the Commission	*Amendment*
(20) In order to ensure that those systems are used in a responsible and proportionate manner, it is also important to establish that, in each of those three exhaustively listed and narrowly defined situations, certain elements should be taken into account, in particular as regards the nature of the situation giving rise to the request and the consequences of the use for the rights and freedoms of all persons concerned and the safeguards and conditions provided for with the use. In addition, the use of 'real-time' remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement should be subject to appropriate limits in time and space, having regard in particular to the evidence or indications regarding the threats, the victims or perpetrator. The reference database of persons should be appropriate for each use case in each of the three situations mentioned above.	***deleted***

Or. en

Amendment 473
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuță, Ramona Strugariu, Dragoş Pîslaru, Irena Joveva, Sophia in 't Veld, Karen Melchior, Svenja Hahn, Alin Mituța

Proposal for a regulation
Recital 20

Text proposed by the Commission	*Amendment*
(20) In order to ensure that those systems are used in a responsible and proportionate manner, it is also important to establish that, in each of those three exhaustively listed and narrowly defined situations, certain elements should be taken into account, in particular as regards the nature of the situation giving rise to the request and the consequences of the use for the rights and freedoms of all persons concerned and the safeguards and conditions provided for with the use. In addition, the use of 'real-time' remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement should be subject to appropriate limits in time and space, having regard in particular to the evidence or indications regarding the threats, the victims or perpetrator. The reference database of persons should be appropriate for each use case in each of the three situations mentioned above.	***deleted***

Or. en

Amendment 474
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

Proposal for a regulation
Recital 20

Text proposed by the Commission	*Amendment*
(20) In order to ensure that those systems are used in a responsible and proportionate manner, it is also important to establish that, in each of those three exhaustively listed and narrowly defined situations, certain elements should be taken into account, in particular as regards the nature of the situation giving rise to the request and the consequences of the use for the rights and freedoms of all persons concerned and the safeguards	***deleted***

and conditions provided for with the use. In addition, the use of 'real-time' remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement should be subject to appropriate limits in time and space, having regard in particular to the evidence or indications regarding the threats, the victims or perpetrator. The reference database of persons should be appropriate for each use case in each of the three situations mentioned above.

Or. en

Amendment 475
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Recital 20

Text proposed by the Commission	*Amendment*
(20) In order to ensure that those systems are used in a responsible and proportionate manner, it is also important to establish that, in each of those three exhaustively listed and narrowly defined situations, certain elements should be taken into account, in particular as regards the nature of the situation giving rise to the request and the consequences of the use for the rights and freedoms of all persons concerned and the safeguards and conditions provided for with the use. In addition, the use of 'real-time' remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement should be subject to appropriate limits in time and space, having regard in particular to the evidence or indications regarding the threats, the victims or perpetrator. The reference database of persons should be appropriate for each use case in each of the three situations mentioned above.	***deleted***

Or. en

Amendment 476
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä, Patrick Breyer, Marcel Kolaja
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 20

Text proposed by the Commission	*Amendment*
(20) In order to ensure that those systems are used in a responsible and proportionate manner, it is also important to establish that, in each of those three exhaustively listed and narrowly defined situations, certain elements should be taken into account, in particular as regards the nature of the situation giving rise to the request and the consequences of the use for the rights and freedoms of all persons concerned and the safeguards and conditions provided for with the use. In addition, the use of 'real-time' remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement should be subject to appropriate limits in time and space, having regard in particular to the evidence or indications regarding the threats, the victims or perpetrator. The reference database of persons should be appropriate for each use case in each of the three situations mentioned above.	***deleted***

Or. en

Amendment 477
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Karen Melchior, Róża Thun und Hohenstein, Vlad-Marius Botoş, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlani, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Recital 20

Text proposed by the Commission	*Amendment*
(20) In order to ensure that those systems are used in a responsible and proportionate manner, it is also important to establish that, in each of those three exhaustively listed and narrowly defined situations, certain elements should be taken into account, in particular as regards the nature of the situation giving rise to the request and the consequences of the use for the rights and freedoms of all persons concerned and the safeguards and conditions provided for with the use. In addition, the use of 'real-time' remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement should be subject to appropriate limits in time and space, having regard in particular to the evidence or indications regarding the threats, the victims or perpetrator. The reference database of persons should be appropriate for each use case in each of the three situations mentioned above.	***deleted***

Or. en

Amendment 478
Jörgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation
Recital 20

Text proposed by the Commission	*Amendment*
(20) In order to ensure that those systems are used in a responsible and proportionate manner, it is also important to establish that, in each of those three exhaustively listed and narrowly defined situations, certain elements should be taken into account, in particular as regards the nature of the situation giving rise to the request and the consequences of the use for the rights and freedoms of all persons concerned and the safeguards and conditions provided for with the use.	***deleted***

In addition, the use of 'real-time' remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement should be subject to appropriate limits in time and space, having regard in particular to the evidence or indications regarding the threats, the victims or perpetrator. The reference database of persons should be appropriate for each use case in each of the three situations mentioned above.

Or. en

Justification

Instead of blanketly banning the law enforcement's use of facial recognition AI, these systems should be incorporated in the list of high-risk AI systems and subject to strict control. Such modern AI software can process information and images at lightning speed and with great precision - tasks that would take days for a human law enforcement agent to go through. Also with much less risk of bias, when the programs are diligently designed. Using such technology can help law enforcement not only prevent crimes, but also react rapidly when they occur, and provide a very powerful tool to investigate serious crimes.

Amendment 479
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 20

Text proposed by the Commission	*Amendment*
(20) In order to ensure that those systems are used in a responsible and proportionate manner, it is also important to establish that, in ***each of those three*** exhaustively listed and narrowly defined situations, certain elements should be taken into account, in particular as regards the nature of the situation giving rise to the request and the consequences of the use for the rights and freedoms of all persons concerned and the safeguards and conditions provided for with the use. ***In addition, the use of 'real-time' remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement should be subject to***	(20) In order to ensure that those systems are used in a responsible and proportionate manner, it is also important to establish that, in exhaustively listed and narrowly defined situations, certain elements should be taken into account, in particular as regards the nature of the situation giving rise to the request and the consequences of the use for the rights and freedoms of all persons concerned and the safeguards and conditions provided for with the use.

appropriate limits in time and space, having regard in particular to the evidence or indications regarding the threats, the victims or perpetrator. The reference database of persons should be appropriate for each use case in each of the three situations mentioned above.

Or. en

Amendment 480
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 20

Text proposed by the Commission	*Amendment*
(20) In order to ensure that those systems are used in a responsible and proportionate manner, it is also important to establish that, in each of those three exhaustively listed and narrowly defined situations, certain elements should be taken into account, in particular as regards the nature of the situation giving rise to the request and the consequences of the use for the rights and freedoms of all persons concerned and the safeguards and conditions provided for with the use. In addition, the use of 'real-time' remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement should be subject to appropriate limits in time and space, having regard in particular to the evidence or indications regarding the threats, the victims or perpetrator. The reference database of persons should be appropriate for each use case in each of the three situations mentioned above.	(20) In order to ensure that those systems are used in a responsible and proportionate manner, it is also important to establish that, in each of those three exhaustively listed and narrowly defined situations, certain elements should be taken into account, in particular as regards the nature of the situation giving rise to the request and the consequences of the use for the rights and freedoms of all persons concerned and the safeguards and conditions provided for with the use. In addition, the use of 'real-time' remote biometric identification systems in publicly accessible ***or online*** spaces for the purpose of law enforcement should be subject to appropriate limits in time and space, having regard in particular to the evidence or indications regarding the threats, the victims or perpetrator. The reference database of persons should be appropriate for each use case in each of the three situations mentioned above.

Or. en

Amendment 481
Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina

Penkova, René Repasi, Birgit Sippel, Maria Grapini, Marc Angel

Proposal for a regulation
Recital 21

Text proposed by the Commission	*Amendment*
(21) Each use of a 'real-time' remote biometric identification system in publicly accessible spaces for the purpose of law enforcement should be subject to an express and specific authorisation by a judicial authority or by an independent administrative authority of a Member State. Such authorisation should in principle be obtained prior to the use, except in duly justified situations of urgency, that is, situations where the need to use the systems in question is such as to make it effectively and objectively impossible to obtain an authorisation before commencing the use. In such situations of urgency, the use should be restricted to the absolute minimum necessary and be subject to appropriate safeguards and conditions, as determined in national law and specified in the context of each individual urgent use case by the law enforcement authority itself. In addition, the law enforcement authority should in such situations seek to obtain an authorisation as soon as possible, whilst providing the reasons for not having been able to request it earlier.	***deleted***

Or. en

Amendment 482
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Recital 21

Text proposed by the Commission	*Amendment*
(21) Each use of a 'real-time' remote biometric identification system in publicly	***deleted***

accessible spaces for the purpose of law enforcement should be subject to an express and specific authorisation by a judicial authority or by an independent administrative authority of a Member State. Such authorisation should in principle be obtained prior to the use, except in duly justified situations of urgency, that is, situations where the need to use the systems in question is such as to make it effectively and objectively impossible to obtain an authorisation before commencing the use. In such situations of urgency, the use should be restricted to the absolute minimum necessary and be subject to appropriate safeguards and conditions, as determined in national law and specified in the context of each individual urgent use case by the law enforcement authority itself. In addition, the law enforcement authority should in such situations seek to obtain an authorisation as soon as possible, whilst providing the reasons for not having been able to request it earlier.

Or. en

Amendment 483
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuță, Ramona Strugariu, Dragoş Pîslaru, Irena Joveva, Sophia in 't Veld, Karen Melchior, Svenja Hahn, Alin Mituța

Proposal for a regulation
Recital 21

Text proposed by the Commission	*Amendment*
(21) Each use of a 'real-time' remote biometric identification system in publicly accessible spaces for the purpose of law enforcement should be subject to an express and specific authorisation by a judicial authority or by an independent administrative authority of a Member State. Such authorisation should in principle be obtained prior to the use, except in duly justified situations of	***deleted***

urgency, that is, situations where the need to use the systems in question is such as to make it effectively and objectively impossible to obtain an authorisation before commencing the use. In such situations of urgency, the use should be restricted to the absolute minimum necessary and be subject to appropriate safeguards and conditions, as determined in national law and specified in the context of each individual urgent use case by the law enforcement authority itself. In addition, the law enforcement authority should in such situations seek to obtain an authorisation as soon as possible, whilst providing the reasons for not having been able to request it earlier.

Or. en

Amendment 484
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä, Patrick Breyer, Marcel Kolaja
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 21

Text proposed by the Commission	*Amendment*
(21) Each use of a 'real-time' remote biometric identification system in publicly accessible spaces for the purpose of law enforcement should be subject to an express and specific authorisation by a judicial authority or by an independent administrative authority of a Member State. Such authorisation should in principle be obtained prior to the use, except in duly justified situations of urgency, that is, situations where the need to use the systems in question is such as to make it effectively and objectively impossible to obtain an authorisation before commencing the use. In such situations of urgency, the use should be restricted to the absolute minimum necessary and be subject to appropriate	***deleted***

safeguards and conditions, as determined in national law and specified in the context of each individual urgent use case by the law enforcement authority itself. In addition, the law enforcement authority should in such situations seek to obtain an authorisation as soon as possible, whilst providing the reasons for not having been able to request it earlier.

Or. en

Amendment 485
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 21

Text proposed by the Commission	*Amendment*
(21) Each use of a 'real-time' remote biometric identification system in publicly accessible spaces for the purpose of law enforcement should be subject to an express and specific authorisation by a judicial authority or by an independent administrative authority of a Member State. Such authorisation should in principle be obtained prior to the use, except in duly justified situations of urgency, that is, situations where the need to use the systems in question is such as to make it effectively and objectively impossible to obtain an authorisation before commencing the use. In such situations of urgency, the use should be restricted to the absolute minimum necessary and be subject to appropriate safeguards and conditions, as determined in national law and specified in the context of each individual urgent use case by the law enforcement authority itself. In addition, the law enforcement authority should in such situations seek to obtain an authorisation as soon as possible, whilst providing the reasons for not having been able to request it earlier.	***deleted***

Or. en

Amendment 486
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Karen Melchior, Róża Thun und Hohenstein, Vlad-Marius Botoş, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlani, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Recital 21

Text proposed by the Commission	*Amendment*
(21) Each use of a 'real-time' remote biometric identification system in publicly accessible spaces for the purpose of law enforcement should be subject to an express and specific authorisation by a judicial authority or by an independent administrative authority of a Member State. Such authorisation should in principle be obtained prior to the use, except in duly justified situations of urgency, that is, situations where the need to use the systems in question is such as to make it effectively and objectively impossible to obtain an authorisation before commencing the use. In such situations of urgency, the use should be restricted to the absolute minimum necessary and be subject to appropriate safeguards and conditions, as determined in national law and specified in the context of each individual urgent use case by the law enforcement authority itself. In addition, the law enforcement authority should in such situations seek to obtain an authorisation as soon as possible, whilst providing the reasons for not having been able to request it earlier.	***deleted***

Or. en

Amendment 487
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

Proposal for a regulation

Recital 21

Text proposed by the Commission	*Amendment*
(21) Each use of a 'real-time' remote biometric identification system in publicly accessible spaces for the purpose of law enforcement should be subject to an express and specific authorisation by a judicial authority or by an independent administrative authority of a Member State. Such authorisation should in principle be obtained prior to the use, except in duly justified situations of urgency, that is, situations where the need to use the systems in question is such as to make it effectively and objectively impossible to obtain an authorisation before commencing the use. In such situations of urgency, the use should be restricted to the absolute minimum necessary and be subject to appropriate safeguards and conditions, as determined in national law and specified in the context of each individual urgent use case by the law enforcement authority itself. In addition, the law enforcement authority should in such situations seek to obtain an authorisation as soon as possible, whilst providing the reasons for not having been able to request it earlier.	***deleted***

Or. en

Amendment 488
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 21

Text proposed by the Commission	*Amendment*
(21) Each use of a 'real-time' remote biometric identification system in publicly accessible spaces for the purpose of law enforcement should be subject to an express and specific authorisation by a judicial authority or by an independent	(21) Each use of a 'real-time' remote biometric identification system in publicly accessible ***or online*** spaces for the purpose of law enforcement should be subject to an express and specific authorisation by a judicial authority or by an independent

administrative authority of a Member State. Such authorisation should in principle be obtained prior to the use, except in duly justified situations of urgency, that is, situations where the need to use the systems in question is such as to make it effectively and objectively impossible to obtain an authorisation before commencing the use. In such situations of urgency, the use should be restricted to the absolute minimum necessary and be subject to appropriate safeguards and conditions, as determined in national law and specified in the context of each individual urgent use case by the law enforcement authority itself. In addition, the law enforcement authority should in such situations seek to obtain an authorisation as soon as possible, whilst providing the reasons for not having been able to request it earlier.

administrative authority of a Member State. Such authorisation should in principle be obtained prior to the use, except in duly justified situations of urgency, that is, situations where the need to use the systems in question is such as to make it effectively and objectively impossible to obtain an authorisation before commencing the use. In such situations of urgency, the use should be restricted to the absolute minimum necessary and be subject to appropriate safeguards and conditions, as determined in national law and specified in the context of each individual urgent use case by the law enforcement authority itself. In addition, the law enforcement authority should in such situations seek to obtain an authorisation as soon as possible, whilst providing the reasons for not having been able to request it earlier.

Or. en

Amendment 489
Jörgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation
Recital 21

Text proposed by the Commission	*Amendment*
(21) ***Each*** use of a 'real-time' remote biometric identification system in publicly accessible spaces for the purpose of law enforcement should be subject to ***an express and specific*** authorisation by a judicial authority or by an independent administrative authority of a Member State. Such authorisation should in principle be obtained prior to the use, except in duly justified situations of urgency, that is, situations where the need to use the systems in question is such as to make it effectively and objectively impossible to obtain an authorisation before commencing the use. In such situations of urgency, the use should be	(21) Use of a 'real-time' remote biometric identification system in publicly accessible spaces for the purpose of law enforcement should be subject to authorisation by a judicial authority or by an independent administrative authority of a Member State. Such authorisation should in principle be obtained prior to the use, except in duly justified situations of urgency, that is, situations where the need to use the systems in question is such as to make it effectively and objectively impossible to obtain an authorisation before commencing the use. In such situations of urgency, the use should be restricted to the absolute minimum

restricted to the absolute minimum necessary and be subject to appropriate safeguards and conditions, as determined in national law and specified in the context of each individual urgent use case by the law enforcement authority itself. In addition, the law enforcement authority should in such situations seek to obtain an authorisation as soon as possible, whilst providing the reasons for not having been able to request it earlier.	necessary and be subject to appropriate safeguards and conditions, as determined in national law and specified in the context of each individual urgent use case by the law enforcement authority itself. In addition, the law enforcement authority should in such situations seek to obtain an authorisation as soon as possible, whilst providing the reasons for not having been able to request it earlier.

Or. en

Amendment 490
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuță, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Sophia in 't Veld, Karen Melchior, Svenja Hahn, Alin Mituța

Proposal for a regulation
Recital 22

Text proposed by the Commission	*Amendment*
(22) Furthermore, it is appropriate to provide, within the exhaustive framework set by this Regulation that such use in the territory of a Member State in accordance with this Regulation should only be possible where and in as far as the Member State in question has decided to expressly provide for the possibility to authorise such use in its detailed rules of national law. Consequently, Member States remain free under this Regulation not to provide for such a possibility at all or to only provide for such a possibility in respect of some of the objectives capable of justifying authorised use identified in this Regulation.	***deleted***

Or. en

Amendment 491
Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Maria-Manuel Leitão-Marques,

Marc Angel

Proposal for a regulation
Recital 22

Text proposed by the Commission	*Amendment*
(22) Furthermore, it is appropriate to provide, within the exhaustive framework set by this Regulation that such use in the territory of a Member State in accordance with this Regulation should only be possible where and in as far as the Member State in question has decided to expressly provide for the possibility to authorise such use in its detailed rules of national law. Consequently, Member States remain free under this Regulation not to provide for such a possibility at all or to only provide for such a possibility in respect of some of the objectives capable of justifying authorised use identified in this Regulation.	***deleted***

Or. en

Amendment 492
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä, Patrick Breyer, Marcel Kolaja
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 22

Text proposed by the Commission	*Amendment*
(22) Furthermore, it is appropriate to provide, within the exhaustive framework set by this Regulation that such use in the territory of a Member State in accordance with this Regulation should only be possible where and in as far as the Member State in question has decided to expressly provide for the possibility to authorise such use in its detailed rules of national law. Consequently, Member States remain free under this Regulation not to provide for such a possibility at all	***deleted***

or to only provide for such a possibility in respect of some of the objectives capable of justifying authorised use identified in this Regulation.

Or. en

Amendment 493
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Recital 22

Text proposed by the Commission	*Amendment*
(22) Furthermore, it is appropriate to provide, within the exhaustive framework set by this Regulation that such use in the territory of a Member State in accordance with this Regulation should only be possible where and in as far as the Member State in question has decided to expressly provide for the possibility to authorise such use in its detailed rules of national law. Consequently, Member States remain free under this Regulation not to provide for such a possibility at all or to only provide for such a possibility in respect of some of the objectives capable of justifying authorised use identified in this Regulation.	***deleted***

Or. en

Amendment 494
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Karen Melchior, Róża Thun und Hohenstein, Vlad-Marius Botoş, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlani, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Recital 22

Text proposed by the Commission	*Amendment*
(22) Furthermore, it is appropriate to	***deleted***

provide, within the exhaustive framework set by this Regulation that such use in the territory of a Member State in accordance with this Regulation should only be possible where and in as far as the Member State in question has decided to expressly provide for the possibility to authorise such use in its detailed rules of national law. Consequently, Member States remain free under this Regulation not to provide for such a possibility at all or to only provide for such a possibility in respect of some of the objectives capable of justifying authorised use identified in this Regulation.	

Or. en

Amendment 495
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

Proposal for a regulation
Recital 22

Text proposed by the Commission	*Amendment*
(22) Furthermore, it is appropriate to provide, within the exhaustive framework set by this Regulation that such use in the territory of a Member State in accordance with this Regulation should only be possible where and in as far as the Member State in question has decided to expressly provide for the possibility to authorise such use in its detailed rules of national law. Consequently, Member States remain free under this Regulation not to provide for such a possibility at all or to only provide for such a possibility in respect of some of the objectives capable of justifying authorised use identified in this Regulation.	***deleted***

Or. en

Amendment 496

Jörgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation
Recital 22

Text proposed by the Commission	*Amendment*
(22) Furthermore, it is appropriate to provide***, within the exhaustive framework set by this Regulation*** that such use in the territory of a Member State in accordance with this Regulation should only be possible where and in as far as the Member State in question has decided to expressly provide for the possibility to authorise such use in its detailed rules of national law. Consequently, Member States remain free under this Regulation not to provide for such a possibility at all or to only provide ***for such a possibility in respect of some of the objectives capable of justifying authorised use identified*** in this ***Regulation***.	(22) Furthermore, it is appropriate to provide that such use in the territory of a Member State in accordance with this Regulation should only be possible where and in as far as the Member State in question has decided to expressly provide for the possibility to authorise such use in its detailed rules of national law. Consequently, Member States remain free under this Regulation not to provide for such a possibility at all or to only provide ***limited possibilities*** in this ***regard***.

Or. en

Amendment 497
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Karen Melchior, Róża Thun und Hohenstein, Vlad-Marius Botoş, Samira Rafaela, Monica Semedo, Salima Yenbou, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Recital 23

Text proposed by the Commission	*Amendment*
(23) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement necessarily involves the processing of biometric data. The rules of this Regulation that prohibit, subject to certain exceptions, such use, which are based on Article 16 TFEU, should apply as lex specialis in respect of the rules on the processing of biometric data contained in Article 10 of Directive (EU) 2016/680,	***deleted***

thus regulating such use and the processing of biometric data involved in an exhaustive manner. Therefore, such use and processing should only be possible in as far as it is compatible with the framework set by this Regulation, without there being scope, outside that framework, for the competent authorities, where they act for purpose of law enforcement, to use such systems and process such data in connection thereto on the grounds listed in Article 10 of Directive (EU) 2016/680. In this context, this Regulation is not intended to provide the legal basis for the processing of personal data under Article 8 of Directive 2016/680. However, the use of 'real-time' remote biometric identification systems in publicly accessible spaces for purposes other than law enforcement, including by competent authorities, should not be covered by the specific framework regarding such use for the purpose of law enforcement set by this Regulation. Such use for purposes other than law enforcement should therefore not be subject to the requirement of an authorisation under this Regulation and the applicable detailed rules of national law that may give effect to it.

Or. en

Amendment 498
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

Proposal for a regulation
Recital 23

Text proposed by the Commission	*Amendment*
(23) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement necessarily involves the processing of biometric data. The rules of this Regulation that prohibit, subject to	***deleted***

certain exceptions, such use, which are based on Article 16 TFEU, should apply as lex specialis in respect of the rules on the processing of biometric data contained in Article 10 of Directive (EU) 2016/680, thus regulating such use and the processing of biometric data involved in an exhaustive manner. Therefore, such use and processing should only be possible in as far as it is compatible with the framework set by this Regulation, without there being scope, outside that framework, for the competent authorities, where they act for purpose of law enforcement, to use such systems and process such data in connection thereto on the grounds listed in Article 10 of Directive (EU) 2016/680. In this context, this Regulation is not intended to provide the legal basis for the processing of personal data under Article 8 of Directive 2016/680. However, the use of 'real-time' remote biometric identification systems in publicly accessible spaces for purposes other than law enforcement, including by competent authorities, should not be covered by the specific framework regarding such use for the purpose of law enforcement set by this Regulation. Such use for purposes other than law enforcement should therefore not be subject to the requirement of an authorisation under this Regulation and the applicable detailed rules of national law that may give effect to it.

Or. en

Amendment 499
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuță, Ramona Strugariu, Dragoş Pîslaru, Sophia in 't Veld, Irena Joveva, Karen Melchior, Svenja Hahn, Alin Mituța

Proposal for a regulation
Recital 23

Text proposed by the Commission	*Amendment*

(23) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement necessarily involves the processing of biometric data. The rules of this Regulation that prohibit, subject to certain exceptions, such use, which are based on Article 16 TFEU, should apply as lex specialis in respect of the rules on the processing of biometric data contained in Article 10 of Directive (EU) 2016/680, thus regulating such use and the processing of biometric data involved in an exhaustive manner. Therefore, such use and processing should only be possible in as far as it is compatible with the framework set by this Regulation, without there being scope, outside that framework, for the competent authorities, where they act for purpose of law enforcement, to use such systems and process such data in connection thereto on the grounds listed in Article 10 of Directive (EU) 2016/680. In this context, this Regulation is not intended to provide the legal basis for the processing of personal data under Article 8 of Directive 2016/680. However, the use of 'real-time' remote biometric identification systems in publicly accessible spaces for purposes other than law enforcement, including by competent authorities, should not be covered by the specific framework regarding such use for the purpose of law enforcement set by this Regulation. Such use for purposes other than law enforcement should therefore not be subject to the requirement of an authorisation under this Regulation and the applicable detailed rules of national law that may give effect to it.	***deleted***

Or. en

Amendment 500
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Recital 23

Text proposed by the Commission	*Amendment*
(23) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement necessarily involves the processing of biometric data. The rules of this Regulation that prohibit, subject to certain exceptions, such use, which are based on Article 16 TFEU, should apply as lex specialis in respect of the rules on the processing of biometric data contained in Article 10 of Directive (EU) 2016/680, thus regulating such use and the processing of biometric data involved in an exhaustive manner. Therefore, such use and processing should only be possible in as far as it is compatible with the framework set by this Regulation, without there being scope, outside that framework, for the competent authorities, where they act for purpose of law enforcement, to use such systems and process such data in connection thereto on the grounds listed in Article 10 of Directive (EU) 2016/680. In this context, this Regulation is not intended to provide the legal basis for the processing of personal data under Article 8 of Directive 2016/680. However, the use of 'real-time' remote biometric identification systems in publicly accessible spaces for purposes other than law enforcement, including by competent authorities, should not be covered by the specific framework regarding such use for the purpose of law enforcement set by this Regulation. Such use for purposes other than law enforcement should therefore not be subject to the requirement of an authorisation under this Regulation and the applicable detailed rules of national law that may give effect to it.	***deleted***

Or. en

Amendment 501
Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Marc Angel

Proposal for a regulation
Recital 23

Text proposed by the Commission	*Amendment*
(23) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement necessarily involves the processing of biometric data. The rules of this Regulation that prohibit, subject to certain exceptions, such use, which are based on Article 16 TFEU, should apply as lex specialis in respect of the rules on the processing of biometric data contained in Article 10 of Directive (EU) 2016/680, thus regulating such use and the processing of biometric data involved in an exhaustive manner. Therefore, such use and processing should only be possible in as far as it is compatible with the framework set by this Regulation, without there being scope, outside that framework, for the competent authorities, where they act for purpose of law enforcement, to use such systems and process such data in connection thereto on the grounds listed in Article 10 of Directive (EU) 2016/680. In this context, this Regulation is not intended to provide the legal basis for the processing of personal data under Article 8 of Directive 2016/680. However, the use of 'real-time' remote biometric identification systems in publicly accessible spaces for purposes other than law enforcement, including by competent authorities, should not be covered by the specific framework regarding such use for the purpose of law enforcement set by this Regulation. Such use for purposes other than law enforcement should therefore not be subject to the requirement of an	***deleted***

authorisation under this Regulation and the applicable detailed rules of national law that may give effect to it.

Or. en

Amendment 502
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä, Patrick Breyer, Marcel Kolaja
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 23

Text proposed by the Commission	*Amendment*
(23) The use of AI systems for ***'real-time' remote*** biometric identification of natural persons in publicly accessible spaces ***for the purpose of law enforcement*** necessarily involves the processing of biometric data. The rules of this Regulation that prohibit, subject to certain exceptions, such use, which are based on Article 16 TFEU, should apply as lex specialis in respect of the rules on the processing of biometric data contained in Article 10 of Directive (EU) 2016/680, thus regulating such use and the processing of biometric data involved in an exhaustive manner. ***Therefore, such use and processing should only be possible in as far as it is compatible with the framework set by this Regulation, without there being scope, outside that framework, for the competent authorities, where they act for purpose of law enforcement, to use such systems and process such data in connection thereto on the grounds listed in Article 10 of Directive (EU) 2016/680. In this context, this Regulation is not intended to provide the legal basis for the processing of personal data under Article 8 of Directive 2016/680. However, the use of 'real-time' remote biometric identification systems in publicly accessible spaces for purposes other than law enforcement, including by competent authorities, should not be***	(23) The use of AI systems for biometric identification of natural persons in publicly accessible spaces necessarily involves the processing of biometric ***and biometrics-based*** data. The rules of this Regulation that prohibit, subject to certain exceptions, such use, which are based on Article 16 TFEU, should apply as lex specialis in respect of the rules on the processing of biometric data contained in Article 10 of Directive (EU) 2016/680 ***and Article 9 of Regulation 2016/679***, thus regulating such use and the processing of biometric data involved in an exhaustive manner.

covered by the specific framework regarding such use for the purpose of law enforcement set by this Regulation. Such use for purposes other than law enforcement should therefore not be subject to the requirement of an authorisation under this Regulation and the applicable detailed rules of national law that may give effect to it.

Or. en

Amendment 503
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 23

Text proposed by the Commission	*Amendment*
(23) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement necessarily involves the processing of biometric data. The rules of this Regulation that prohibit***, subject to certain exceptions,*** such use, which are based on Article 16 TFEU, should apply as lex specialis in respect of the rules on the processing of biometric data contained in Article 10 of Directive (EU) 2016/680***, thus regulating such use and the processing of biometric data involved in an exhaustive manner. Therefore, such use and processing should only be possible in as far as it is compatible with the framework set by this Regulation, without there being scope, outside that framework, for the competent authorities, where they act for purpose of law enforcement, to use such systems and process such data in connection thereto on the grounds listed in Article 10 of Directive (EU) 2016/680. In this context, this Regulation is not intended to provide the legal basis for the processing of personal data under Article 8 of Directive 2016/680***. However, the use of 'real-time'	(23) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement necessarily involves the processing of biometric data. The rules of this Regulation that prohibit such use, which are based on Article 16 TFEU, should apply as lex specialis in respect of the rules on the processing of biometric data contained in Article 10 of Directive (EU) 2016/680. However, the use of 'real-time' remote biometric identification systems in publicly accessible spaces for purposes, including by competent authorities, should not be covered by the specific framework regarding such use for the purpose of law enforcement set by this Regulation. Such use for purposes other than law enforcement should therefore not be subject to the requirement of an authorisation under this Regulation and the applicable detailed rules of national law that may give effect to it. ***The lex specialis nature of the prohibition on RBI does not provide a legal basis for law enforcement uses of RBI, nor does it weaken existing protections of biometric data under the***

remote biometric identification systems in publicly accessible spaces for purposes ***other than law enforcement***, including by competent authorities, should not be covered by the specific framework regarding such use for the purpose of law enforcement set by this Regulation. Such use for purposes other than law enforcement should therefore not be subject to the requirement of an authorisation under this Regulation and the applicable detailed rules of national law that may give effect to it.	***Data Protection Law Enforcement Directive (LED) or national implementations of the LED.***

Or. en

Amendment 504
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 23

Text proposed by the Commission	*Amendment*
(23) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement necessarily involves the processing of biometric data***. The rules of this Regulation that prohibit, subject to certain exceptions, such use, which are based on Article 16 TFEU, should apply as lex specialis in respect of the rules on the processing of biometric data contained in Article 10 of Directive (EU) 2016/680, thus regulating such use and the processing of biometric data involved in an exhaustive manner***. Therefore, such use and processing should only be possible in as far as it is compatible with the framework set by this Regulation, without there being scope, outside that framework, for the competent authorities, where they act for purpose of law enforcement, to use such systems and process such data in connection thereto on the grounds listed in Article 10 of Directive (EU) 2016/680. In	(23) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible ***or online*** spaces for the purpose of law enforcement necessarily involves the processing of biometric data. Therefore, such use and processing should only be possible in as far as it is compatible with the framework set by this Regulation, without there being scope, outside that framework, for the competent authorities, where they act for purpose of law enforcement, to use such systems and process such data in connection thereto on the grounds listed in Article 10 of Directive (EU) 2016/680. In this context, this Regulation is not intended to provide the legal basis for the processing of personal data under Article 8 of Directive 2016/680. However, the use of 'real-time' remote biometric identification systems in publicly accessible ***or online*** spaces for purposes other than law enforcement, including by competent authorities, should not be

this context, this Regulation is not intended to provide the legal basis for the processing of personal data under Article 8 of Directive 2016/680. However, the use of 'real-time' remote biometric identification systems in publicly accessible spaces for purposes other than law enforcement, including by competent authorities, should not be covered by the specific framework regarding such use for the purpose of law enforcement set by this Regulation. Such use for purposes other than law enforcement should therefore not be subject to the requirement of an authorisation under this Regulation and the applicable detailed rules of national law that may give effect to it.

covered by the specific framework regarding such use for the purpose of law enforcement set by this Regulation. Such use for purposes other than law enforcement should therefore not be subject to the requirement of an authorisation under this Regulation and the applicable detailed rules of national law that may give effect to it.

Or. en

Amendment 505
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte

Proposal for a regulation
Recital 23

Text proposed by the Commission	*Amendment*
(23) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement necessarily involves the processing of biometric data. The rules of this Regulation that prohibit, subject to certain exceptions, such use, which are based on Article 16 TFEU, should apply as lex specialis in respect of the rules on the processing of biometric data contained in Article 10 of Directive (EU) 2016/680, thus regulating such use and the processing of biometric data involved in an exhaustive manner. Therefore, such use and processing should only be possible in as far as it is compatible with the framework set by this Regulation, without there being scope, outside that framework, for the competent authorities, where they act for purpose of law	(23) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement necessarily involves the processing of biometric data. The rules of this Regulation that prohibit, subject to certain exceptions, such use, which are based on Article 16 TFEU, should apply as lex specialis in respect of the rules on the processing of biometric data contained in Article 10 of Directive (EU) 2016/680, thus regulating such use and the processing of biometric data involved in an exhaustive manner. Therefore, such use and processing should only be possible in as far as it is compatible with the framework set by this Regulation, without there being scope, outside that framework, for the competent authorities, where they act for purpose of law

enforcement, to use such systems and process such data in connection thereto on the grounds listed in Article 10 of Directive (EU) 2016/680. In this context, this Regulation is not intended to provide the legal basis for the processing of personal data under Article 8 of Directive 2016/680. ***However,*** the use of 'real-time' remote biometric identification systems in publicly accessible spaces for purposes other than law enforcement, including by competent authorities, should ***not*** be covered by the ***specific*** framework ***regarding such use for the purpose of law enforcement*** set by this Regulation***. Such use for purposes other than law enforcement should therefore not be subject to the requirement of an authorisation under this Regulation and the applicable detailed rules of national law that may give effect to it***.

enforcement, to use such systems and process such data in connection thereto on the grounds listed in Article 10 of Directive (EU) 2016/680. In this context, this Regulation is not intended to provide the legal basis for the processing of personal data under Article 8 of Directive 2016/680. The use of ***biometric identification systems, including*** 'real-time' remote biometric identification systems in publicly accessible spaces for purposes other than law enforcement, including by competent authorities, should be covered by the framework set by this Regulation***, with the exception of customs formalities and individual authentication***.

Or. fr

Amendment 506
Jörgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation
Recital 23

Text proposed by the Commission	*Amendment*
(23) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement necessarily involves the processing of biometric data. The rules of this Regulation ***that prohibit, subject to certain exceptions, such use,*** which are based on Article 16 TFEU, should apply as lex specialis in respect of the rules on the processing of biometric data contained in Article 10 of Directive (EU) 2016/680, thus regulating such use and the processing of biometric data involved in an exhaustive manner. Therefore, such use and processing should only be possible in as far as it is compatible with the framework set	(23) The use of AI systems for 'real-time' remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement necessarily involves the processing of biometric data. The rules of this Regulation which are based on Article 16 TFEU, should apply as lex specialis in respect of the rules on the processing of biometric data contained in Article 10 of Directive (EU) 2016/680, thus regulating such use and the processing of biometric data involved in an exhaustive manner. Therefore, such use and processing should only be possible in as far as it is compatible with the framework set by this Regulation, without there being scope, outside that

by this Regulation, without there being scope, outside that framework, for the competent authorities, where they act for purpose of law enforcement, to use such systems and process such data in connection thereto on the grounds listed in Article 10 of Directive (EU) 2016/680. In this context, this Regulation is not intended to provide the legal basis for the processing of personal data under Article 8 of Directive 2016/680. However, the use of 'real-time' remote biometric identification systems in publicly accessible spaces for purposes other than law enforcement, including by competent authorities, should not be covered by the specific framework regarding such use for the purpose of law enforcement set by this Regulation. Such use for purposes other than law enforcement should therefore not be subject to the requirement of an authorisation under this Regulation and the applicable detailed rules of national law that may give effect to it.

framework, for the competent authorities, where they act for purpose of law enforcement, to use such systems and process such data in connection thereto on the grounds listed in Article 10 of Directive (EU) 2016/680. In this context, this Regulation is not intended to provide the legal basis for the processing of personal data under Article 8 of Directive 2016/680. However, the use of 'real-time' remote biometric identification systems in publicly accessible spaces for purposes other than law enforcement, including by competent authorities, should not be covered by the specific framework regarding such use for the purpose of law enforcement set by this Regulation. Such use for purposes other than law enforcement should therefore not be subject to the requirement of an authorisation under this Regulation and the applicable detailed rules of national law that may give effect to it.

Or. en

Justification

Instead of blanketly banning the law enforcement's use of facial recognition AI, these systems should be incorporated in the list of high-risk AI systems and subject to strict control. Such modern AI software can process information and images at lightning speed and with great precision - tasks that would take days for a human law enforcement agent to go through. Also with much less risk of bias, when the programs are diligently designed. Using such technology can help law enforcement not only prevent crimes, but also react rapidly when they occur, and provide a very powerful tool to investigate serious crimes.

Amendment 507
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 23 a (new)

Text proposed by the Commission	*Amendment*
	(23 a) 'Biometric categorisation systems' are defined as AI systems that assign natural persons to specific categories, or

infer their characteristics or attributes. 'Categorisation' shall include any sorting of natural persons, whether into discrete categories (e.g. male/female, suspicious/not-suspicious), on a numerical scale (e.g. using the Fitzpatrick scale for skin type) or any other form of assigning labels or values to people. 'Inferring an attribute or characteristic' shall include any situation in which an AI system uses one type of data about a natural person (e.g. hair colour) to ascribe a different attribute or characteristic to that person (e.g. ethnic origin).

Or. en

Amendment 508
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

Proposal for a regulation
Recital 24

Text proposed by the Commission	*Amendment*
(24) Any processing of biometric data and other personal data involved in the use of AI systems for biometric identification, other than in connection to the use of 'real-time' remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement as regulated by this Regulation, including where those systems are used by competent authorities in publicly accessible spaces for other purposes than law enforcement, should continue to comply with all requirements resulting from Article 9(1) of Regulation (EU) 2016/679, Article 10(1) of Regulation (EU) 2018/1725 and Article 10 of Directive (EU) 2016/680, as applicable.	***deleted***

Or. en

Amendment 509
Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Marc Angel

Proposal for a regulation
Recital 24

Text proposed by the Commission	*Amendment*
(24) Any processing of biometric data and other personal data involved in the use of AI systems for biometric identification, other than in connection to the use of 'real-time' remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement as regulated by this Regulation, including where those systems are used by competent authorities in publicly accessible spaces for other purposes than law enforcement, should continue to comply with all requirements resulting from Article 9(1) of Regulation (EU) 2016/679, Article 10(1) of Regulation (EU) 2018/1725 and Article 10 of Directive (EU) 2016/680, as applicable.	***deleted***

Or. en

Amendment 510
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Recital 24

Text proposed by the Commission	*Amendment*
(24) Any processing of biometric data and other personal data involved in the use of AI systems for biometric identification***, other than in connection to the use of 'real-time' remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement as regulated by this Regulation, including where those systems are used by competent authorities in publicly***	(24) Any processing of biometric data and other personal data involved in the use of AI systems for biometric identification should continue to comply with all requirements resulting from Article 9(1) of Regulation (EU) 2016/679, Article 10(1) of Regulation (EU) 2018/1725 and Article 10 of Directive (EU) 2016/680, as applicable.

accessible spaces for other purposes than law enforcement, should continue to comply with all requirements resulting from Article 9(1) of Regulation (EU) 2016/679, Article 10(1) of Regulation (EU) 2018/1725 and Article 10 of Directive (EU) 2016/680, as applicable.

Or. en

Amendment 511
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Karen Melchior, Róża Thun und Hohenstein, Vlad-Marius Botoş, Samira Rafaela, Monica Semedo, Salima Yenbou, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Recital 24

Text proposed by the Commission	*Amendment*
(24) Any processing of biometric data and other personal data involved in the use of AI systems for biometric identification***, other than in connection to the use of 'real-time' remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement as regulated by this Regulation***, including where those systems are used by competent authorities in publicly accessible spaces for other purposes than law enforcement, should continue to comply with all requirements resulting from Article 9(1) of Regulation (EU) 2016/679, Article 10(1) of Regulation (EU) 2018/1725 and Article 10 of Directive (EU) 2016/680, as applicable.	(24) Any processing of biometric data and other personal data involved in the use of AI systems for biometric identification, including where those systems are used by competent authorities in publicly accessible spaces for other purposes than law enforcement, should continue to comply with all requirements resulting from Article 9(1) of Regulation (EU) 2016/679, Article 10(1) of Regulation (EU) 2018/1725 and Article 10 of Directive (EU) 2016/680, as applicable.

Or. en

Amendment 512
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuță, Ramona Strugariu, Dragoş Pîslaru, Irena Joveva, Karen Melchior, Svenja Hahn, Alin Mituța

Proposal for a regulation
Recital 24

Text proposed by the Commission	*Amendment*
(24) Any processing of biometric data and other personal data involved in the use of AI systems for biometric identification***, other than in connection to the use of 'real-time' remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement as regulated by this Regulation***, including where those systems are used by competent authorities in publicly accessible spaces for other purposes than law enforcement, should continue to comply with all requirements resulting from Article 9(1) of Regulation (EU) 2016/679, Article 10(1) of Regulation (EU) 2018/1725 and Article 10 of Directive (EU) 2016/680, as applicable.	(24) Any processing of biometric data and other personal data involved in the use of AI systems for biometric identification, including where those systems are used by competent authorities in publicly accessible spaces for other purposes than law enforcement, should continue to comply with all requirements resulting from Article 9(1) of Regulation (EU) 2016/679, Article 10(1) of Regulation (EU) 2018/1725 and Article 10 of Directive (EU) 2016/680, as applicable.

Or. en

Amendment 513
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä, Patrick Breyer, Marcel Kolaja
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 24

Text proposed by the Commission	*Amendment*
(24) Any processing of biometric data and other personal data involved in the use of AI systems for biometric identification, other than in connection to the use of ***'real-time' remote*** biometric identification systems in publicly accessible spaces ***for the purpose of law enforcement*** as regulated by this Regulation***, including where those systems are used by competent authorities in publicly accessible spaces for other purposes than law enforcement***, should continue to comply with all requirements resulting from Article 9(1) of Regulation (EU) 2016/679, Article 10(1) of Regulation (EU) 2018/1725 and Article 10 of Directive (EU) 2016/680, as applicable.	(24) Any processing of biometric ***data, biometrics-based*** data and other personal data involved in the use of AI systems for biometric identification, other than in connection to the use of biometric identification systems in publicly accessible spaces as regulated by this Regulation, should continue to comply with all requirements resulting from Article 9(1) of Regulation (EU) 2016/679, Article 10(1) of Regulation (EU) 2018/1725 and Article 10 of Directive (EU) 2016/680, as applicable.

Or. en

Amendment 514
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 24

Text proposed by the Commission	*Amendment*
(24) Any processing of biometric data and other personal data involved in the use of AI systems for biometric identification, other than in connection to the use of 'real-time' remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement as regulated by this Regulation, including where those systems are used by competent authorities in publicly accessible spaces for other purposes than law enforcement, should continue to comply with all requirements resulting from Article 9(1) of Regulation (EU) 2016/679, Article 10(1) of Regulation (EU) 2018/1725 and Article 10 of Directive (EU) 2016/680, as applicable.	(24) Any processing of biometric data and other personal data involved in the use of AI systems for biometric identification, other than in connection to the use of 'real-time' remote biometric identification systems in publicly accessible ***or online*** spaces for the purpose of law enforcement as regulated by this Regulation, including where those systems are used by competent authorities in publicly accessible ***or online*** spaces for other purposes than law enforcement, should continue to comply with all requirements resulting from Article 9(1) of Regulation (EU) 2016/679, Article 10(1) of Regulation (EU) 2018/1725 and Article 10 of Directive (EU) 2016/680, as applicable.

Or. en

Amendment 515
Svenja Hahn, Nicola Beer, Karen Melchior, Dita Charanzová, Andrus Ansip, Morten Løkkegaard, Vlad-Marius Botoş, Samira Rafaela, Monica Semedo, Salima Yenbou, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Recital 24 a (new)

Text proposed by the Commission	*Amendment*
	(24 a) Fundamental rights in the digital sphere have to be guaranteed to the same extent as in the offline world. The right to privacy needs to be ensured, amongst others through end-to-end encryption in private online communication and the

protection of private content against any kind of general or targeted surveillance, be it by public or private actors. Therefore, the use of AI systems violating the right to privacy in online communication services should be prohibited.

Or. en

Amendment 516
Brando Benifei, 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
Recital 25

Text proposed by the Commission	*Amendment*
(25) In accordance with Article 6a of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, as annexed to the TEU and to the TFEU, Ireland is not bound by the rules laid down in Article 5(1), point (d)***, (2) and (3)*** of this Regulation adopted on the basis of Article 16 of the TFEU which relate to the processing of personal data by the Member States when carrying out activities falling within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of the TFEU, where Ireland is not bound by the rules governing the forms of judicial cooperation in criminal matters or police cooperation which require compliance with the provisions laid down on the basis of Article 16 of the TFEU.	(25) In accordance with Article 6a of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, as annexed to the TEU and to the TFEU, Ireland is not bound by the rules laid down in Article 5(1), point (d) of this Regulation adopted on the basis of Article 16 of the TFEU which relate to the processing of personal data by the Member States when carrying out activities falling within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of the TFEU, where Ireland is not bound by the rules governing the forms of judicial cooperation in criminal matters or police cooperation which require compliance with the provisions laid down on the basis of Article 16 of the TFEU.

Or. en

Amendment 517
Brando Benifei, 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
Recital 26

Text proposed by the Commission	*Amendment*
(26) In accordance with Articles 2 and 2a of Protocol No 22 on the position of Denmark, annexed to the TEU and TFEU, Denmark is not bound by rules laid down in Article 5(1), point (d)***, (2) and (3)*** of this Regulation adopted on the basis of Article 16 of the TFEU, or subject to their application, which relate to the processing of personal data by the Member States when carrying out activities falling within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of the TFEU.	(26) In accordance with Articles 2 and 2a of Protocol No 22 on the position of Denmark, annexed to the TEU and TFEU, Denmark is not bound by rules laid down in Article 5(1), point (d) of this Regulation adopted on the basis of Article 16 of the TFEU, or subject to their application, which relate to the processing of personal data by the Member States when carrying out activities falling within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of the TFEU.

Or. en

Amendment 518
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
Recital 26 a (new)

Text proposed by the Commission	*Amendment*
	(26 a) AI systems capable of reading facial expressions to infer emotional states hold no scientific basis, while at the same time running a high risk of inaccuracy, in particular for certain groups of individuals whose facial traits are not easily readable by such systems, as several examples have shown. Therefore, due to the particular risk of discrimination, these systems should be prohibited.

Or. en

Amendment 519

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

Proposal for a regulation
Recital 27

Text proposed by the Commission	*Amendment*
(27) High-risk AI systems should only be placed on the Union market or put into service if they comply with certain mandatory requirements. Those requirements should ensure that high-risk AI systems available in the Union or whose output is otherwise used in the Union do not pose unacceptable risks to important Union public interests as recognised and protected by Union law. AI systems identified as high-risk should be ***limited to those that*** have a significant harmful impact on the health, safety and fundamental rights of ***persons*** in the Union ***and such limitation minimises any*** potential ***restriction to international trade, if any***.	(27) High-risk AI systems should only be placed on the Union market or put into service if they comply with certain mandatory requirements. Those requirements should ensure that high-risk AI systems available in the Union or whose output is otherwise used in the Union do not pose unacceptable risks to important Union public interests as recognised and protected by Union law. AI systems identified as high-risk should be ***classified as such when they*** have a significant harmful impact on the health, safety***, economic status*** and fundamental rights of ***individuals*** in the Union***, and also on the environment, society, rule of law, democracy or consumer protection. Given the rapid path of technological development, but also given the*** potential ***changes in the use and the aim of authorised AI systems, regardless of whether they are high-risk or lower risk, the limited list of high-risk systems and areas of high risk systems in Annex III should nonetheless be subject to permanent review through the exercise of regular assessment as provided in Title III of this Regulation***.

Or. en

Amendment 520
Krzysztof Hetman, Adam Jarubas, Andrzej Halicki, Jerzy Buzek, Janusz Lewandowski, Radosław Sikorski

Proposal for a regulation
Recital 27

Text proposed by the Commission	*Amendment*

(27) High-risk AI systems should only be placed on the Union market or put into service if they comply with certain mandatory requirements. Those requirements should ensure that high-risk AI systems available in the Union or whose output is otherwise used in the Union do not pose unacceptable risks to important Union public interests as recognised and protected by Union law. AI systems identified as high-risk should be limited to those that have a significant harmful impact on the health, safety and fundamental rights of persons in the Union and such limitation minimises any potential restriction to international trade, if any.	(27) High-risk AI systems should only be placed on the Union market or put into service if they comply with certain mandatory requirements. Those requirements should ensure that high-risk AI systems available in the Union or whose output is otherwise used in the Union do not pose unacceptable risks to important Union public interests as recognised and protected by Union law. AI systems identified as high-risk should be limited to those that have a significant harmful impact on the health, safety and fundamental rights of persons in the Union and such limitation minimises any potential restriction to international trade, if any. ***In particular, the classification as high-risk according to Article 6 should not apply to AI systems whose intended purpose demonstrates that the generated output is a recommendation, provided it is delivered with the information on its accuracy or other relevant methodical aspects necessary for the decision making. A human intervention is required to convert this recommendation into an action.***

Or. en

Amendment 521
Deirdre Clune, Axel Voss, Andreas Schwab

Proposal for a regulation
Recital 27

Text proposed by the Commission	*Amendment*
(27) High-risk AI systems should only be placed on the Union market or put into service if they comply with certain mandatory requirements. Those requirements should ensure that high-risk AI systems available in the Union or whose output is otherwise used in the Union do not pose unacceptable risks to important Union public interests as recognised and protected by Union law. AI systems identified as high-risk should be limited to	(27) High-risk AI systems should only be placed on the Union market or put into service if they comply with certain mandatory requirements***. To ensure alignment with sectoral legislation, requirements for certain high-risk AI systems and uses will take account of sectoral legislation which already lay out sufficient requirements for high-risk AI systems included within this Act, such as Regulation (EU) 2017/745 on Medical***

those that have a significant harmful impact on the health, safety and fundamental rights of persons in the Union and such limitation minimises any potential restriction to international trade, if any.

Devices and Regulation (EU) 2017/746 on In Vitro Diagnostic Devices and Directive 2006/42/EC on Machinery. Those requirements should ensure that high-risk AI systems available in the Union or whose output is otherwise used in the Union do not pose unacceptable risks to important Union public interests as recognised and protected by Union law. AI systems identified as high-risk should be limited to those that have a significant harmful impact on the health, safety and fundamental rights of persons in the Union and such limitation minimises any potential restriction to international trade, if any.

Or. en

Amendment 522
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Recital 27

Text proposed by the Commission	*Amendment*
(27) High-risk AI systems should only be placed on the Union market or put into service if they comply with certain mandatory requirements. Those requirements should ensure that high-risk AI systems available in the Union or whose output is otherwise used in the Union do not pose unacceptable risks to important Union public interests as recognised and protected by Union law. AI systems identified as high-risk should be limited to those that have a significant harmful impact on the health, safety and fundamental rights of persons in the Union and such limitation minimises any potential restriction to international trade, if any.	(27) High-risk AI systems should only be placed on the Union market or put into service if they comply with certain mandatory requirements***. To ensure alignment with sectoral legislation, requirements for certain high-risk AI systems and uses will take account of sectoral legislation which already lay out sufficient requirements for high-risk AI systems included within this Act, such as Regulation (EU) 2017/745 on Medical Devices and Regulation (EU) 2017/746 on In Vitro Diagnostic Devices and Directive 2006/42/EC on Machinery***. Those requirements should ensure that high-risk AI systems available in the Union or whose output is otherwise used in the Union do not pose unacceptable risks to important Union public interests as recognised and protected by Union law. AI systems identified as high-risk should be limited to those that have a significant harmful

impact on the health, safety and fundamental rights of persons in the Union and such limitation minimises any potential restriction to international trade, if any.

Or. en

Amendment 523
Alessandra Basso, Marco Campomenosi, Isabella Tovaglieri, Mara Bizzotto, Silvia Sardone, Annalisa Tardino

Proposal for a regulation
Recital 27

Text proposed by the Commission	*Amendment*
(27) High-risk AI systems should only be placed on the Union market or put into service if they comply with certain mandatory requirements. Those requirements should ensure that high-risk AI systems available in the Union or whose output is otherwise used in the Union do not pose unacceptable risks to important Union public interests as recognised and protected by Union law. AI systems identified as high-risk should be limited to those that have a significant harmful impact on the health, safety and fundamental rights of persons in the Union and such limitation minimises any potential restriction to international trade, if any.	(27) High-risk AI systems should only be placed on the Union market or put into service if they comply with certain mandatory requirements. Those requirements should ensure that high-risk AI systems available in the Union or whose output is otherwise used in the Union do not pose unacceptable risks to important Union public interests as recognised and protected by Union law. AI systems identified as high-risk should be limited to those that have a significant harmful impact on the health, safety and fundamental rights of persons in the Union and such limitation minimises any potential restriction to international trade, if any. ***In particular, the classification as high-risk according to Article 6 should not apply to AI systems whose intended purpose demonstrates that the generated output is a recommendation and a human intervention is required to convert this recommendation into an action.***

Or. en

Amendment 524
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation
Recital 27

Text proposed by the Commission	*Amendment*
(27) High-risk AI systems should only be placed on the Union market or put into service if they comply with certain mandatory requirements. Those requirements should ensure that high-risk AI systems available in the Union or whose output is otherwise used in the Union do not pose unacceptable risks to important Union public interests as recognised and protected by Union law. AI systems identified as high-risk should be limited to those that have a significant harmful impact on the ***health, safety and*** fundamental rights of persons ***in the Union*** and such limitation minimises any potential restriction to international trade, if any.	(27) High-risk AI systems should only be placed on the Union market or put into service if they comply with certain mandatory requirements. Those requirements should ensure that high-risk AI systems available in the Union or whose output is otherwise used in the Union do not pose unacceptable risks to important Union public interests as recognised and protected by Union law ***and do not breach the Union values enshrined in Article 2 TEU or the principles applicable to all AI systems as per this Regulation***. AI systems identified as high-risk should be limited to those that have a significant harmful impact on the fundamental rights of persons***, their health and safety*** and such limitation minimises any potential restriction to international trade, if any.

Or. en

Amendment 525
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
Recital 27

Text proposed by the Commission	*Amendment*
(27) High-risk AI systems should only be placed on the Union market or put into service if they comply with certain mandatory requirements. Those requirements should ensure that high-risk AI systems available in the Union or whose output is otherwise used in the Union do not pose unacceptable risks to important Union public interests as recognised and protected by Union law. AI systems identified as high-risk should be limited to	(27) High-risk AI systems should only be placed on the Union market or put into service ***or used*** if they comply with certain mandatory requirements. Those requirements should ensure that high-risk AI systems available in the Union or whose output is otherwise used in the Union do not pose unacceptable risks to important Union public interests as recognised and protected by Union law ***and do not contravene the Union values enshrined in***

those that have a significant harmful impact on the health, safety and fundamental rights of persons in the Union and such limitation minimises any potential restriction to international trade, if any.	***Article 2 TEU***. AI systems identified as high-risk should be limited to those that have a significant harmful impact on the health, safety and ***the*** fundamental rights of persons in the Union ***or the environment*** and such limitation minimises any potential restriction to international trade, if any.

Or. en

Amendment 526
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation
Recital 27

Text proposed by the Commission	*Amendment*
(27) High-risk AI systems should only be placed on the Union market or put into service if they comply with certain mandatory requirements. Those requirements should ensure that high-risk AI systems available in the Union or whose output is otherwise used in the Union do not pose unacceptable risks to important Union public interests as recognised and protected by Union law. AI systems identified as high-risk should be limited to those that have a significant harmful impact on the health, safety and fundamental rights of persons in the Union and such limitation minimises any potential restriction to international trade, if any.	(27) High-risk AI systems should only be placed on the Union market or put into service if they comply with certain mandatory requirements. Those requirements should ensure that high-risk AI systems available in the Union or whose output is otherwise used in the Union do not pose unacceptable risks to important Union public interests as recognised and protected by Union law. AI systems identified as high-risk should be limited to those that have a significant harmful impact on the health, safety and fundamental rights of persons in the Union***, as well as the public order and national security of the Member States,*** and such limitation minimises any potential restriction to international trade, if any.

Or. fr

Amendment 527
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuță, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Karen Melchior, Alin Mituța, Michal Šimečka

Proposal for a regulation

Recital 27

Text proposed by the Commission	*Amendment*
(27) High-risk AI systems should only be placed on the Union market or put into service if they comply with certain mandatory requirements. Those requirements should ensure that high-risk AI systems available in the Union or whose output is otherwise used in the Union do not pose unacceptable risks to important Union public interests as recognised and protected by Union law. AI systems identified as high-risk should be limited to those that have a significant harmful impact on the health, safety and fundamental rights of persons in the Union and such limitation minimises any potential restriction to international trade, if any.	(27) High-risk AI systems should only be placed on the Union market or put into service if they comply with certain mandatory requirements. Those requirements should ensure that high-risk AI systems available in the Union or whose output is otherwise used in the Union do not pose unacceptable risks to important Union public interests as recognised and protected by Union law. AI systems identified as high-risk should be limited to those that have a significant harmful impact on the health, safety and fundamental rights of persons in the Union ***or to Union values as enshrined in Article 2 TEU*** and such limitation minimises any potential restriction to international trade, if any.

Or. en

Amendment 528
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Recital 27

Text proposed by the Commission	*Amendment*
(27) High-risk AI systems should only be placed on the Union market or put into service if they comply with certain mandatory requirements. Those requirements should ensure that high-risk AI systems available in the Union or whose output is otherwise used in the Union do not pose unacceptable risks to important Union public interests as recognised and protected by Union law. AI systems identified as high-risk should be limited to those that have a ***significant*** harmful impact on the health, safety and fundamental rights of persons in the Union ***and such limitation minimises any***	(27) High-risk AI systems should only be placed on the Union market or put into service if they comply with certain mandatory requirements. Those requirements should ensure that high-risk AI systems available in the Union or whose output is otherwise used in the Union do not pose unacceptable risks to important Union public interests as recognised and protected by Union law. AI systems identified as high-risk should be limited to those that have a harmful impact on the health, safety and fundamental rights of persons***, but also on the environment, democracy and the rule of law*** in the

potential restriction to international trade, if any.	Union**.**.

Or. en

Amendment 529
Jörgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation
Recital 28

Text proposed by the Commission	*Amendment*
(28) AI systems could produce adverse outcomes to health and safety of persons, in particular when such systems operate as components of products. Consistently with the objectives of Union harmonisation legislation to facilitate the free movement of products in the internal market and to ensure that only safe and otherwise compliant products find their way into the market, it is important that the safety risks that may be generated by a product as a whole due to its digital components, including AI systems, are duly prevented and mitigated. For instance, increasingly autonomous robots, whether in the context of manufacturing or personal assistance and care should be able to safely operate and performs their functions in complex environments. Similarly, in the health sector where the stakes for life and health are particularly high, increasingly sophisticated diagnostics systems and systems supporting human decisions should be reliable and accurate. The extent of the adverse impact caused by the AI system on the fundamental rights protected by the Charter is of particular relevance when classifying an AI system as high-risk. Those rights include the right to human dignity, respect for private and family life, protection of personal data, freedom of expression and information, freedom of assembly and of association, and non-discrimination, consumer protection, workers' rights, rights of persons with	(28) AI systems could produce adverse outcomes to health and safety of persons, in particular when such systems operate as components of products. Consistently with the objectives of Union harmonisation legislation to facilitate the free movement of products in the internal market and to ensure that only safe and otherwise compliant products find their way into the market, it is important that the safety risks that may be generated by a product as a whole due to its digital components, including AI systems, are duly prevented and mitigated. For instance, increasingly autonomous robots, whether in the context of manufacturing or personal assistance and care should be able to safely operate and performs their functions in complex environments. Similarly, in the health sector where the stakes for life and health are particularly high, increasingly sophisticated diagnostics systems and systems supporting human decisions should be reliable and accurate**.** ***Conversely, industrial robots used in manufacturing processes that operate within a predefined and restricted area entail considerably lower safety risks and are already subject to harmonised safety legislation***. The extent of the adverse impact caused by the AI system on the fundamental rights protected by the Charter is of particular relevance when classifying an AI system as high-risk. Those rights include the right to human dignity, respect

disabilities, right to an effective remedy and to a fair trial, right of defence and the presumption of innocence, right to good administration. In addition to those rights, it is important to highlight that children have specific rights as enshrined in Article 24 of the EU Charter and in the United Nations Convention on the Rights of the Child (further elaborated in the UNCRC General Comment No. 25 as regards the digital environment), both of which require consideration of the children's vulnerabilities and provision of such protection and care as necessary for their well-being. The fundamental right to a high level of environmental protection enshrined in the Charter and implemented in Union policies should also be considered when assessing the severity of the harm that an AI system can cause, including in relation to the health and safety of persons.	for private and family life, protection of personal data, freedom of expression and information, freedom of assembly and of association, and non-discrimination, consumer protection, workers' rights, rights of persons with disabilities, right to an effective remedy and to a fair trial, right of defence and the presumption of innocence, right to good administration. In addition to those rights, it is important to highlight that children have specific rights as enshrined in Article 24 of the EU Charter and in the United Nations Convention on the Rights of the Child (further elaborated in the UNCRC General Comment No. 25 as regards the digital environment), both of which require consideration of the children's vulnerabilities and provision of such protection and care as necessary for their well-being. The fundamental right to a high level of environmental protection enshrined in the Charter and implemented in Union policies should also be considered when assessing the severity of the harm that an AI system can cause, including in relation to the health and safety of persons.
	Or. en

Amendment 530
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 28

Text proposed by the Commission	*Amendment*
(28) AI systems could ***produce*** adverse ***outcomes to health and safety of*** persons, in particular when such systems operate as components of products. Consistently with the objectives of Union harmonisation legislation to facilitate the free movement of products in the internal market and to ensure that only safe and otherwise compliant products find their way into the	(28) AI systems could ***have an*** adverse ***impact on*** persons, in particular when such systems operate as components of products. Consistently with the objectives of Union harmonisation legislation to facilitate the free movement of products in the internal market and to ensure that only safe and otherwise compliant products find their way into the market, it is important

market, it is important that the safety risks that may be generated by a product as a whole due to its digital components, including AI systems, are duly prevented and mitigated. For instance, increasingly autonomous robots, whether in the context of manufacturing or personal assistance and care should be able to safely operate and performs their functions in complex environments. Similarly, in the health sector where the stakes for life and health are particularly high, increasingly sophisticated diagnostics systems and systems supporting human decisions should be reliable and accurate. The extent of the adverse impact caused by the AI system on the fundamental rights protected by the Charter is of particular relevance when classifying an AI system as high-risk. Those rights include the right to human dignity, respect for private and family life, protection of personal data, freedom of expression and information, freedom of assembly and of association, and non-discrimination, consumer protection, workers' rights, rights of persons with disabilities, right to an effective remedy and to a fair trial, right of defence and the presumption of innocence, right to good administration. In addition to those rights, it is important to highlight that children have specific rights as enshrined in Article 24 of the EU Charter and in the United Nations Convention on the Rights of the Child (further elaborated in the UNCRC General Comment No. 25 as regards the digital environment), both of which require consideration of the children's vulnerabilities and provision of such protection and care as necessary for their well-being. The fundamental right to a high level of environmental protection enshrined in the Charter and implemented in Union policies should also be considered when assessing the severity of the harm that an AI system can cause***, including in relation to the health and safety of persons***.

that the safety risks that may be generated by a product as a whole due to its digital components, including AI systems, are duly prevented and mitigated. For instance, increasingly autonomous robots, whether in the context of manufacturing or personal assistance and care should be able to safely operate and performs their functions in complex environments. Similarly, in the health sector where the stakes for life and health are particularly high, increasingly sophisticated diagnostics systems and systems supporting human decisions should be reliable and accurate. The extent of the adverse impact caused by the AI system on the fundamental rights protected by the Charter is of particular relevance when classifying an AI system as high-risk. Those rights include the right to human dignity, respect for private and family life, protection of personal data, freedom of expression and information, freedom of assembly and of association, and non-discrimination, consumer protection, workers' rights, rights of persons with disabilities, right to an effective remedy and to a fair trial, right of defence and the presumption of innocence, right to good administration. In addition to those rights, it is important to highlight that children have specific rights as enshrined in Article 24 of the EU Charter and in the United Nations Convention on the Rights of the Child (further elaborated in the UNCRC General Comment No. 25 as regards the digital environment), both of which require consideration of the children's vulnerabilities and provision of such protection and care as necessary for their well-being. The fundamental right to a high level of environmental protection enshrined in the Charter and implemented in Union policies should also be considered when assessing the severity of the harm that an AI system can cause.

Or. en

Amendment 531
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 28 a (new)

Text proposed by the Commission	*Amendment*
	(28 a) The risk-assessment of AI systems as regards their environmental impact and use of resources should not only focus on sectors related to the protection of the environment, but be common to all sectors, as environmental impacts can stem from any kind of AI systems, including those not originally directly related to the protection of the environment, in terms of energy production and distribution, waste management and emissions control.

Or. en

Amendment 532
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Recital 29

Text proposed by the Commission	*Amendment*
(29) As regards high-risk AI systems that are safety components of products or systems, or which are themselves products or systems falling within the scope of Regulation (EC) No 300/2008 of the European Parliament and of the Council[39] , Regulation (EU) No 167/2013 of the European Parliament and of the Council[40] , Regulation (EU) No 168/2013 of the European Parliament and of the Council[41] , Directive 2014/90/EU of the European Parliament and of the Council[42] , Directive	(29) As regards high-risk AI systems that are safety components of products or systems, or which are themselves products or systems falling within the scope of Regulation (EC) No 300/2008 of the European Parliament and of the Council[39] , Regulation (EU) No 167/2013 of the European Parliament and of the Council[40] , Regulation (EU) No 168/2013 of the European Parliament and of the Council[41] , Directive 2014/90/EU of the European Parliament and of the Council[42] , Directive

(EU) 2016/797 of the European Parliament and of the Council[43] , Regulation (EU) 2018/858 of the European Parliament and of the Council[44] , Regulation (EU) 2018/1139 of the European Parliament and of the Council[45] , and Regulation (EU) 2019/2144 of the European Parliament and of the Council[46] , it is appropriate to amend those acts to ensure that the Commission takes into account, on the basis of the technical and regulatory specificities of each sector, and without interfering with existing governance, conformity assessment and enforcement mechanisms and authorities established therein, the mandatory requirements for high-risk AI systems laid down in this Regulation when adopting any relevant future delegated or implementing acts on the basis of those acts.

(EU) 2016/797 of the European Parliament and of the Council[43] , Regulation (EU) 2018/858 of the European Parliament and of the Council[44] , Regulation (EU) 2018/1139 of the European Parliament and of the Council[45] , and Regulation (EU) 2019/2144 of the European Parliament and of the Council[46]***, Regulation (EU) 2017/745 of the European Parliament and of the Council, and Regulation (EU) 2017/746 of the European Parliament and of the Council***, it is appropriate to amend those acts to ensure that the Commission takes into account, on the basis of the technical and regulatory specificities of each sector, and without interfering with existing governance, conformity assessment***, market surveillance*** and enforcement mechanisms and authorities established therein, the mandatory requirements for high-risk AI systems laid down in this Regulation when adopting any relevant future delegated or implementing acts on the basis of those acts.

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[39] Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97, 9.4.2008, p. 72).

[40] Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2.3.2013, p. 1).

[41] Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52).

[42] Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146).

[39] Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97, 9.4.2008, p. 72).

[40] Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2.3.2013, p. 1).

[41] Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52).

[42] Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146).

[43] Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).

[44] Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).

[45] Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1).

[46] Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amending Regulation (EU) 2018/858 of the European Parliament and of the Council and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No

[43] Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).

[44] Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).

[45] Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1).

[46] Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amending Regulation (EU) 2018/858 of the European Parliament and of the Council and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No

1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) No 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) 2015/166 (OJ L 325, 16.12.2019, p. 1).

1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) No 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) 2015/166 (OJ L 325, 16.12.2019, p. 1).

Or. en

Amendment 533
Deirdre Clune, Axel Voss, Andreas Schwab

Proposal for a regulation
Recital 29

Text proposed by the Commission	*Amendment*
(29) As regards high-risk AI systems that are safety components of products or systems, or which are themselves products or systems falling within the scope of Regulation (EC) No 300/2008 of the European Parliament and of the Council[39] , Regulation (EU) No 167/2013 of the European Parliament and of the Council[40] , Regulation (EU) No 168/2013 of the European Parliament and of the Council[41] , Directive 2014/90/EU of the European Parliament and of the Council[42] , Directive (EU) 2016/797 of the European Parliament and of the Council[43] , Regulation (EU) 2018/858 of the European Parliament and of the Council[44] , Regulation (EU) 2018/1139 of the European Parliament and of the Council[45] , and Regulation (EU) 2019/2144 of the European Parliament and of the Council[46] , it is appropriate to amend those acts to ensure that the Commission takes into account, on the basis of the technical and regulatory specificities of each sector, and without interfering with existing governance, conformity assessment and enforcement mechanisms and authorities established therein, the mandatory requirements for high-risk AI systems laid down in this Regulation when adopting any relevant future delegated or implementing acts on the basis of those	(29) As regards high-risk AI systems that are safety components of products or systems, or which are themselves products or systems falling within the scope of Regulation (EC) No 300/2008 of the European Parliament and of the Council[39] , Regulation (EU) No 167/2013 of the European Parliament and of the Council[40] , Regulation (EU) No 168/2013 of the European Parliament and of the Council[41] , Directive 2014/90/EU of the European Parliament and of the Council[42] , Directive (EU) 2016/797 of the European Parliament and of the Council[43] , Regulation (EU) 2018/858 of the European Parliament and of the Council[44] , Regulation (EU) 2018/1139 of the European Parliament and of the Council[45] , and Regulation (EU) 2019/2144 of the European Parliament and of the Council[46] , ***Regulation (EU)2017/745 of the European Parliament and of the Council, and Regulation (EU)2017/746 of the European Parliament and of the Council,*** it is appropriate to amend those acts to ensure that the Commission takes into account, on the basis of the technical and regulatory specificities of each sector, and without interfering with existing governance, conformity assessment and enforcement mechanisms and authorities

acts.

established therein, the mandatory requirements for high-risk AI systems laid down in this Regulation when adopting any relevant future delegated or implementing acts on the basis of those acts.

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[39] Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97, 9.4.2008, p. 72).

[40] Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2.3.2013, p. 1).

[41] Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52).

[42] Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146).

[43] Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).

[44] Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).

[45] Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field

[39] Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97, 9.4.2008, p. 72).

[40] Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2.3.2013, p. 1).

[41] Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52).

[42] Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146).

[43] Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).

[44] Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).

[45] Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field

of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1).

[46] Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amending Regulation (EU) 2018/858 of the European Parliament and of the Council and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No 1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) No 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) 2015/166 (OJ L 325, 16.12.2019, p. 1).

of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1).

[46] Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amending Regulation (EU) 2018/858 of the European Parliament and of the Council and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No 1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) No 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) 2015/166 (OJ L 325, 16.12.2019, p. 1).

Or. en

Amendment 534
Svenja Hahn, Nicola Beer, Dita Charanzová, Andrus Ansip, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation
Recital 30

Text proposed by the Commission	*Amendment*
(30) As regards AI systems that are safety components of products, or which are themselves products, falling within the scope of certain Union harmonisation legislation, it is appropriate to classify them as high-risk under this Regulation if the product in question undergoes the conformity assessment procedure with a third-party conformity assessment body pursuant to that relevant Union harmonisation legislation. In particular, such products are machinery, toys, lifts, equipment and protective systems intended for use in potentially explosive atmospheres, radio equipment, pressure equipment, recreational craft equipment, cableway installations, appliances burning gaseous fuels, medical devices, and in vitro diagnostic medical devices.	(30) As regards AI systems that are safety components of products, or which are themselves products, falling within the scope of certain Union harmonisation legislation, it is appropriate to classify them as high-risk under this Regulation if the product in question undergoes the conformity assessment procedure ***in order to ensure compliance with essential safety requirements*** with a third-party conformity assessment body pursuant to that relevant Union harmonisation legislation. In particular, such products are machinery, toys, lifts, equipment and protective systems intended for use in potentially explosive atmospheres, radio equipment, pressure equipment, recreational craft equipment, cableway installations, appliances burning gaseous fuels, medical devices, and in vitro diagnostic medical devices.

Or. en

Amendment 535
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Recital 30

Text proposed by the Commission	*Amendment*
(30) As regards AI systems that are safety components of products, or which are themselves products, falling within the scope of certain Union harmonisation legislation, it is appropriate to classify them as high-risk under this Regulation if the product in question undergoes the conformity assessment procedure with a third-party conformity assessment body pursuant to that relevant Union harmonisation legislation. In particular, such products are machinery, toys, lifts, equipment and protective systems intended for use in potentially explosive	(30) As regards AI systems that are safety components of products, or which are themselves products, falling within the scope of certain Union harmonisation legislation ***(as specified in Annex II)***, it is appropriate to classify them as high-risk under this Regulation if the product in question undergoes the conformity assessment procedure with a third-party conformity assessment body pursuant to that relevant Union harmonisation legislation. In particular, such products are machinery, toys, lifts, equipment and protective systems intended for use in

atmospheres, radio equipment, pressure equipment, recreational craft equipment, cableway installations, appliances burning gaseous fuels, medical devices, and in vitro diagnostic medical devices.

potentially explosive atmospheres, radio equipment, pressure equipment, recreational craft equipment, cableway installations, appliances burning gaseous fuels, medical devices, and in vitro diagnostic medical devices.

Or. en

Amendment 536
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation
Recital 31

Text proposed by the Commission	*Amendment*
(31) The classification of an AI system as high-risk pursuant to this Regulation should not necessarily mean that the product whose safety component is the AI system, or the AI system itself as a product, is considered 'high-risk' under the criteria established in the relevant Union harmonisation legislation that applies to the product. This is notably the case for Regulation (EU) 2017/745 of the European Parliament and of the Council[47]and Regulation (EU) 2017/746 of the European Parliament and of the Council[48], where a third-party conformity assessment is provided for medium-risk and high-risk products.	(31) The classification of an AI system as high-risk pursuant to this Regulation should not necessarily mean that the product whose safety component is the AI system, or the AI system itself as a product, is considered 'high-risk' under the criteria established in the relevant Union harmonisation legislation that applies to the product. This is notably the case for Regulation (EU) 2017/745 of the European Parliament and of the Council[47] and Regulation (EU) 2017/746 of the European Parliament and of the Council[48], where a third-party conformity assessment is provided for medium-risk and high-risk products. ***However, the classification of an AI system as high risk for the sole purpose of this Regulation will apply to all products which use that AI system or which are themselves AI systems, irrespective of their classification under the sector-specific harmonisation legislation of the Union under which they are otherwise covered.***
[47] Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No	[47] Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No

178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).

[48] Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176).

178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).

[48] Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176).

Or. fr

Amendment 537
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Recital 31

Text proposed by the Commission	*Amendment*
(31) The classification of an AI system as high-risk pursuant to this Regulation ***should not necessarily*** mean that the product whose safety component is the AI system, or the AI system itself as a product, is considered 'high-risk' under the criteria established in the relevant Union harmonisation legislation that applies to the product. This is notably the case for Regulation (EU) 2017/745 of the European Parliament and of the Council[47] and Regulation (EU) 2017/746 of the European Parliament and of the Council[48] ***, where a third-party conformity assessment is provided for medium-risk and high-risk products***.	(31) The classification of an AI system as high-risk pursuant to this Regulation ***shall not*** mean that the product whose safety component is the AI system, or the AI system itself as a product, is considered 'high-risk' under the criteria established in the relevant Union harmonisation legislation that applies to the product. This is notably the case for Regulation (EU) 2017/745 of the European Parliament and of the Council[47] and Regulation (EU) 2017/746 of the European Parliament and of the Council[48].
[47] Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).	[47] Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).

[48] Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176).

[48] Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176).

Or. en

Amendment 538
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuță, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Karen Melchior, Alin Mituța

Proposal for a regulation
Recital 32

Text proposed by the Commission	*Amendment*
(32) As regards stand-alone AI systems, meaning high-risk AI systems other than those that are safety components of products, or which are themselves products, it is appropriate to classify them as high-risk if, in the light of their intended purpose, they pose a high risk of harm to the health ***and*** safety or the fundamental rights of persons, taking into account both the severity of the possible harm and its probability of occurrence and they are used in a number of specifically pre-defined areas specified in the Regulation. The identification of those systems is based on the same methodology and criteria envisaged also for any future amendments of the list of high-risk AI systems.	(32) As regards stand-alone AI systems, meaning high-risk AI systems other than those that are safety components of products, or which are themselves products, it is appropriate to classify them as high-risk if, in the light of their intended purpose, they pose a high risk of harm to the health***,*** safety or the fundamental rights of persons ***or to Union values as enshrined in Article 2 TEU***, taking into account both the severity of the possible harm and its probability of occurrence and they are used in a number of specifically pre-defined areas specified in the Regulation. The identification of those systems is based on the same methodology and criteria envisaged also for any future amendments of the list of high-risk AI systems. ***Such systems should be classified as high-risk only insofar as they are built and operated with biometric, biometrics-based, or personal data or they influence decisions of natural persons or make decisions or influence decisions affecting natural persons. This ensures that, when referencing AI systems in pre-defined areas of human activity, this Regulation does not inadvertently apply to AI systems that can have no impact on the health,***

safety, fundamental rights of natural persons or the values of the Union as enshrined in Article 2 TEU.

Or. en