



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

2021/0106(COD)

13.6.2022

AMENDMENTS 1190 - 1580

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 1190
Jorge Buxadé Villalba

Proposal for a regulation
Article 5 – paragraph 1 – point c – introductory part

Text proposed by the Commission

(c) the placing on the market, putting into service or use of AI systems by public authorities or on their behalf for the evaluation or classification of the trustworthiness of natural persons over a certain period of time based on their social behaviour or known or predicted personal or personality characteristics, ***with the social score leading to either or both of the following:***

Amendment

(c) the placing on the market, putting into service or use of AI systems by public authorities or on their behalf for the evaluation or classification of the trustworthiness of natural persons over a certain period of time based on their social behaviour or known or predicted personal or personality characteristics.

Or. es

Amendment 1191
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Article 5 – paragraph 1 – point c – introductory part

Text proposed by the Commission

(c) the placing on the market, putting into service or use of AI systems ***by public authorities or on their behalf*** for the evaluation or classification of ***the trustworthiness of*** natural persons ***over a certain period of time based on*** their social behaviour ***or known or predicted personal or personality characteristics, with the social score leading to either or both of the following:***

Amendment

(c) the placing on the market, putting into service or use of AI systems for the ***scoring***, evaluation or classification of natural persons ***or groups related to*** their ***education, employment, housing, socioeconomic situation, health, reliability***, social behaviour, ***location or movements;***

Or. en

Amendment 1192
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

Article 5 – paragraph 1 – point c – introductory part

Text proposed by the Commission

(c) the placing on the market, putting into service or use of AI systems by public authorities or on their behalf for the evaluation or classification of the trustworthiness of natural persons ***over a certain period of time*** based on their social behaviour or known or predicted personal or personality characteristics, ***with the social score leading to either or both of the following:***

Amendment

(c) the placing on the market, putting into service or use of AI systems by ***private actors or*** public authorities or on their behalf for the evaluation or classification of the trustworthiness of natural persons based on their social behaviour or known or predicted personal or personality characteristics;

Or. en

Amendment 1193

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

Proposal for a regulation

Article 5 – paragraph 1 – point c – introductory part

Text proposed by the Commission

(c) the placing on the market, putting into service or use of AI systems ***by public authorities or on their behalf*** for the evaluation or classification of the trustworthiness of natural persons ***over a certain period of time based on*** their social behaviour ***or known or predicted personal or personality characteristics, with the social score leading to either or both of the following:***

Amendment

(c) the placing on the market, putting into service or use of AI systems for the evaluation or classification of the trustworthiness of natural persons ***or groups thereof relating to their education, employment, housing, socio-economic situation, health, reliability,*** social behaviour, ***location or movements.***

Or. en

Justification

The text of the proposal does not sufficiently protect inherent dignity and privacy of individuals. AI-based techniques to evaluate or classify individuals as trustworthy does not have a place in a democratic society no matter if the outcomes are harmful or not for individuals. It is also important to note that if an outcome for evaluation is beneficial for one

individual it means that other individuals automatically get pushed back in the 'trustworthiness line.' So, indirectly people, especially people who are already marginalized, will be harmed even if they are not the ones being directly evaluated or classified.

Amendment 1194

Sophia in 't Veld, Michal Šimečka

Proposal for a regulation

Article 5 – paragraph 1 – point c – introductory part

Text proposed by the Commission

(c) the placing on the market, putting into service or use of AI systems ***by public authorities or on their behalf*** for the evaluation or classification of ***the trustworthiness of*** natural persons ***over a certain period of time*** based on their social behaviour or known or predicted personal or personality characteristics, ***with the social score leading to either or both of the following:***

Amendment

(c) the placing on the market, putting into service or use of AI systems ***for calculation or establishment of a 'social score' resulting from*** the evaluation or classification of natural persons based on their ***physical attributes***, social behaviour or known or predicted personal or personality characteristics.

Or. en

Amendment 1195

Kim Van Sparrentak, Sergey Lagodinsky

on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä, Sylwia Spurek

Proposal for a regulation

Article 5 – paragraph 1 – point c – introductory part

Text proposed by the Commission

(c) the placing on the market, putting into service or use of AI systems ***by public authorities or on their behalf*** for the evaluation or classification of the trustworthiness of natural persons over a certain period of time based on their social behaviour or known or predicted personal or personality characteristics, ***with the social score*** leading to ***either or both of the following:***

Amendment

(c) the ***development***, placing on the market, putting into service, ***deployment*** or use of AI systems for the evaluation or classification of the trustworthiness ***or social standing*** of natural persons over a certain period of time based on their social behaviour or known, ***inferred*** or predicted personal or personality characteristics, ***potentially*** leading to ***detrimental or unfavourable treatment of persons or whole groups;***

Amendment 1196

Rob Rooken

on behalf of the ECR Group

Proposal for a regulation

Article 5 – paragraph 1 – point c – introductory part

Text proposed by the Commission

(c) the placing on the market, putting into service or use of AI systems **by public authorities or on their behalf** for the evaluation or classification of **the trustworthiness of** natural persons **over a certain period of time based on** their social behaviour or known or predicted personal or personality characteristics, **with the social score leading to either or both** of the following:

Amendment

(c) the placing on the market, putting into service or use of AI systems for the **scoring**, evaluation or classification of natural persons **or groups thereof relating to** their social behaviour or known or predicted personal or personality characteristics, **where the score or assessment leads to any** of the following:

Or. en

Amendment 1197

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

Proposal for a regulation

Article 5 – paragraph 1 – point c – introductory part

Text proposed by the Commission

(c) the placing on the market, putting into service or use of AI systems by public authorities or on their behalf for the evaluation or classification of **the trustworthiness of** natural persons over **a certain** period of time based on their social behaviour or known or predicted personal or personality characteristics, with the social score leading to either **or both** of the following:

Amendment

(c) the placing on the market, putting into service or use of AI systems by public authorities or on their behalf for the evaluation or classification of natural persons over **an extended** period of time based on their social behaviour or known or predicted personal or personality characteristics (**social scoring**), with the social score leading to either of the following:

Or. en

Amendment 1198

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

Proposal for a regulation

Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission

Amendment

(i) *detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;* *deleted*

Or. fr

Justification

We prohibit social scoring by AI in all circumstances, not only in cases where it causes harm.

Amendment 1199

Jorge Buxadé Villalba

Proposal for a regulation

Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission

Amendment

(i) *detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;* *deleted*

Or. es

Amendment 1200

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission

Amendment

(i) *detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;* *deleted*

Or. en

Justification

covered by our definition of social scoring

Amendment 1201

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

Proposal for a regulation

Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission

Amendment

(i) *detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;* *deleted*

Or. en

Amendment 1202

Brando Benifei, 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

Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission

Amendment

(i) *detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in* *deleted*

*which the data was originally generated
or collected;*

Or. en

Amendment 1203

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

Proposal for a regulation

Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission

Amendment

(i) detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected; *deleted*

Or. en

Amendment 1204

Sophia in 't Veld, Michal Šimečka

Proposal for a regulation

Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission

Amendment

(i) detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected; *deleted*

Or. en

Amendment 1205

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

Proposal for a regulation
Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission

Amendment

(i) ***detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;***

deleted

Or. en

Amendment 1206
Rob Rooken
on behalf of the ECR Group

Proposal for a regulation
Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission

Amendment

(i) detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

(i) detrimental or unfavourable treatment ***affecting the fundamental rights*** of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

Or. en

Amendment 1207
Kosma Zlotowski, Patryk Jaki, Adam Bielan

Proposal for a regulation
Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission

Amendment

(i) detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

(i) ***preferential***, detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

Amendment 1208

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Svenja Hahn, Andrus Ansip, Dita Charanzová, Morten Løkkegaard, Alin Mituța

Proposal for a regulation

Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission

(i) detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts ***which*** are unrelated to the contexts in which the data was originally generated or collected;

Amendment

(i) detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts ***that*** are unrelated to the contexts in which the data was originally generated or collected;

Or. en

Amendment 1209

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission

(i) detrimental or unfavourable treatment of certain natural persons or ***whole*** groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

Amendment

(i) detrimental or unfavourable treatment of certain natural persons or groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

Or. en

Amendment 1210

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

Proposal for a regulation

Article 5 – paragraph 1 – point c – point ii

Text proposed by the Commission

Amendment

(ii) *detrimental or unfavourable treatment of certain natural persons or whole groups thereof that is unjustified or disproportionate to their social behaviour or its gravity;* *deleted*

Or. fr

Justification

We prohibit social scoring by AI in all circumstances, not only in cases where it causes harm.

Amendment 1211
Jorge Buxadé Villalba

Proposal for a regulation
Article 5 – paragraph 1 – point c – point ii

Text proposed by the Commission

Amendment

(ii) *detrimental or unfavourable treatment of certain natural persons or whole groups thereof that is unjustified or disproportionate to their social behaviour or its gravity;* *deleted*

Or. es

Amendment 1212
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Article 5 – paragraph 1 – point c – point ii

Text proposed by the Commission

Amendment

(ii) *detrimental or unfavourable treatment of certain natural persons or whole groups thereof that is unjustified or disproportionate to their social behaviour or its gravity;* *deleted*

Or. en

Amendment 1213

Sophia in 't Veld, Michal Šimečka

Proposal for a regulation

Article 5 – paragraph 1 – point c – point ii

Text proposed by the Commission

Amendment

(ii) *detrimental or unfavourable treatment of certain natural persons or whole groups thereof that is unjustified or disproportionate to their social behaviour or its gravity;* *deleted*

Or. en

Amendment 1214

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

Proposal for a regulation

Article 5 – paragraph 1 – point c – point ii

Text proposed by the Commission

Amendment

(ii) *detrimental or unfavourable treatment of certain natural persons or whole groups thereof that is unjustified or disproportionate to their social behaviour or its gravity;* *deleted*

Or. en

Amendment 1215

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Article 5 – paragraph 1 – point c – point ii

Text proposed by the Commission

Amendment

(ii) *detrimental or unfavourable treatment of certain natural persons or whole groups thereof that is unjustified or* *deleted*

*disproportionate to their social behaviour
or its gravity;*

Or. en

Justification

covered by our definition of social scoring

Amendment 1216

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

Proposal for a regulation

Article 5 – paragraph 1 – point c – point ii

Text proposed by the Commission

Amendment

(ii) detrimental or unfavourable treatment of certain natural persons or whole groups thereof that is unjustified or disproportionate to their social behaviour or its gravity; *deleted*

Or. en

Amendment 1217

Brando Benifei, 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

Article 5 – paragraph 1 – point c – point ii

Text proposed by the Commission

Amendment

(ii) detrimental or unfavourable treatment of certain natural persons or whole groups thereof that is unjustified or disproportionate to their social behaviour or its gravity; *deleted*

Or. en

Amendment 1218

Kosma Zlotowski, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 5 – paragraph 1 – point c – point ii

Text proposed by the Commission

(ii) detrimental or unfavourable treatment of certain natural persons or whole groups thereof that is unjustified or disproportionate to their social behaviour or its gravity;

Amendment

(ii) ***preferential***, detrimental or unfavourable treatment of certain natural persons or whole groups thereof that is unjustified or disproportionate to their social behaviour or its gravity;

Or. en

Amendment 1219

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 5 – paragraph 1 – point c – point ii

Text proposed by the Commission

(ii) detrimental or unfavourable treatment of certain natural persons or ***whole*** groups thereof that is unjustified or disproportionate to their social behaviour or its gravity;

Amendment

(ii) detrimental or unfavourable treatment of certain natural persons or groups thereof that is unjustified or disproportionate to their social behaviour or its gravity;

Or. en

Amendment 1220

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

Proposal for a regulation

Article 5 – paragraph 1 – point c – point ii a (new)

Text proposed by the Commission

Amendment

(ii a) privileged treatment of certain natural persons or whole groups thereof in social contexts that are unrelated to the contexts in which the data was originally generated or collected;

Amendment 1221

Rob Rooken

on behalf of the ECR Group

Proposal for a regulation

Article 5 – paragraph 1 – point c – point ii a (new)

Text proposed by the Commission

Amendment

(ii a) treatment of certain natural persons or whole groups thereof otherwise amounting to an unnecessary or disproportionate restriction on fundamental rights.

Or. en

Amendment 1222

Brando Benifei, 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

Article 5 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) the placing on the market, putting into service or use of an AI system for making individual or place-based risk assessments of natural persons in order to assess the risk of a natural person for offending or reoffending or for predicting the occurrence or reoccurrence of an actual or potential criminal offence based on profiling of a natural person or on assessing personality traits and characteristics or past criminal behaviour of natural persons or groups of natural persons;

Or. en

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

Article 5 – paragraph 1 – point c a (new)

Amendment

(c a) the placing on the market, putting into service or use of an AI system for making individual risk assessments of natural persons in order to assess the risk of a natural person for offending or reoffending or for predicting the occurrence or reoccurrence of an actual or potential criminal offence based on profiling of a natural person or on assessing personality traits and characteristics or past criminal behaviour of natural persons or groups of natural persons;

Or. en

Jean-Lin Lacapelle, Markus Buchheit, H  l  ne Laporte, Jean-Paul Garraud

Article 5 – paragraph 1 – point c a (new)

Amendment

(c a) the placing on the market, putting into service or use of an AI system that takes decisions to dispatch or set priorities for dispatching emergency response services on which the lives of those rescued depend;

Or. fr

Justification

We would point out that this prohibition applies to AI systems, which take decisions and not to those that issue mere recommendations.

Amendment 1225

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Marina Kaljurand, Paul Tang

Proposal for a regulation

Article 5 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) 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;

Or. en

Amendment 1226

Jean-Lin Lacapelle, Markus Buchheit, Hélène Laporte

Proposal for a regulation

Article 5 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(c b) the placing on the market, putting into service or use of an AI system that performs individual risk assessments, serves as polygraphs or similar tools, or analyses the emotional state of natural persons, or predicts the occurrence or repetition of an actual or potential criminal offence on the basis of profiling of natural persons or groups, or which assesses the personality traits of natural persons or groups for profiling purposes in the context of detection, investigation or prosecution of criminal offences;

Or. fr

Amendment 1227

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

Proposal for a regulation

Article 5 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(c c) the placing on the market, putting into service or use of an AI system for the administration of justice and for democratic processes, which helps judicial authorities to investigate and interpret facts and the law, and to apply the law to a specific set of facts, with the exception of purely ancillary administrative activities which have no impact on the actual administration of justice in individual cases;

Or. fr

Amendment 1228

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

Proposal for a regulation

Article 5 – paragraph 1 – point c d (new)

Text proposed by the Commission

Amendment

(c d) the placing on the market, putting into service or use of an AI system that performs genomic, physiological, psychological or behavioural analyses of a natural person for the purpose of profiling that natural person;

Or. fr

Amendment 1229

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

Proposal for a regulation

Article 5 – paragraph 1 – point c e (new)

(c e) the placing on the market, putting into service or use of an AI system that may affect the cognitive integrity or personality of a natural person, with or without the support of physical implants;

Or. fr

Amendment 1230

Jürgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation

Article 5 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:

deleted

(i) the targeted search for specific potential victims of crime, including missing children;

(ii) the prevention of a specific, substantial and imminent threat to the life or physical safety of natural persons or of a terrorist attack;

(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA⁶² and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.

⁶² 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 1231

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H       Laporte

Proposal for a regulation

Article 5 – paragraph 1 – point d – introductory part

Text proposed by the Commission

(d) the use of **‘real-time’ remote** biometric identification systems ***in publicly accessible*** spaces for the ***purpose of*** law enforcement, ***unless*** and in as far as such use is strictly necessary for one of the following objectives:

Amendment

(d) the use of biometric identification systems, ***except those strictly used for individual authentication of access to protected spaces or systems, those used for the execution of administrative procedures by tax and customs authorities, and by law enforcement authorities if*** and in as far as such use is strictly necessary for one of the following objectives:

Or. fr

Amendment 1232

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Article 5 – paragraph 1 – point d – introductory part

Text proposed by the Commission

(d) the use of **‘real-time’ remote** biometric identification systems in publicly

Amendment

(d) ***putting into service, by public and private entities or on their behalf, of***

accessible spaces *for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:*

remote biometric identification systems that are or may be used in publicly-accessible, including online, spaces; and the use of remote biometric identification systems in publicly accessible, including online, spaces, but without affecting employees who work in publicly accessible spaces.

Or. en

Amendment 1233

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Irena Joveva, Malik Azmani, Karen Melchior, Svenja Hahn, Róza Thun und Hohenstein, Alin Mituța

Proposal for a regulation

Article 5 – paragraph 1 – point d – introductory part

Text proposed by the Commission

(d) the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces *for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:*

Amendment

(d) the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces

Or. en

Amendment 1234

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Karen Melchior, Róza Thun und Hohenstein, Vlad-Marius Botoș, Samira Rafaela, Monica Semedo, Salima Yenbou, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 5 – paragraph 1 – point d – introductory part

Text proposed by the Commission

(d) the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces *for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:*

Amendment

(d) the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces.

Amendment 1235

Sophia in 't Veld, Michal Šimečka, Róza Thun und Hohenstein

Proposal for a regulation

Article 5 – paragraph 1 – point d – introductory part

Text proposed by the Commission

(d) the use of ***‘real-time’ remote biometric identification systems*** in publicly accessible spaces ***for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:***

Amendment

(d) The ***placing on the market, putting into service or use of of AI for an automated recognition of human features*** in publicly accessible spaces - ***such as of faces but also of gait, fingerprints, DNA, voice, keystrokes and other biometric or behavioral signals - for any purpose, including*** law enforcement.

Or. en

Amendment 1236

Rob Rooker

on behalf of the ECR Group

Proposal for a regulation

Article 5 – paragraph 1 – point d – introductory part

Text proposed by the Commission

(d) the use of ***‘real-time’ remote biometric identification systems*** in publicly accessible spaces ***for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:***

Amendment

(d) the ***placing on the market and*** use of remote biometric identification systems in publicly accessible spaces;

Or. en

Amendment 1237

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

Proposal for a regulation

Article 5 – paragraph 1 – point d – introductory part

Text proposed by the Commission

Amendment

(d) the use of ‘**real-time**’ remote biometric identification systems in publicly accessible spaces ***for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:***

(d) the use of remote biometric identification systems in publicly ***or privately*** accessible spaces, ***both online and offline.***

Or. en

Amendment 1238

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

Proposal for a regulation

Article 5 – paragraph 1 – point d – introductory part

Text proposed by the Commission

Amendment

(d) the use of ‘**real-time**’ remote biometric identification systems in publicly accessible spaces ***for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:***

(d) ***the placing or making available on the market or putting into service of remote biometric identification systems that are or may be used in publicly-accessible spaces, as well as online spaces, and*** the use of remote biometric identification systems in publicly accessible spaces;

Or. en

Amendment 1239

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

Proposal for a regulation

Article 5 – paragraph 1 – point d – introductory part

Text proposed by the Commission

Amendment

(d) the use of ‘**real-time**’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement, ***unless and in as far as such use is strictly necessary for one of the following objectives:***

(d) the use of ‘**real-time**’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement;

Amendment 1240

Axel Voss, Deirdre Clune

Proposal for a regulation

Article 5 – paragraph 1 – point d – introductory part

Text proposed by the Commission

(d) the use of ‘real-time’ remote biometric identification ***systems*** in publicly accessible spaces ***for the purpose of*** law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:

Amendment

(d) the use of ‘real-time’ remote biometric identification ***function of an AI system*** in publicly accessible spaces ***by*** law enforcement ***or on their behalf***, unless and in as far as such use is strictly necessary ***used*** for one of the following objectives:

Or. en

Amendment 1241

Jorge Buxadé Villalba

Proposal for a regulation

Article 5 – paragraph 1 – point d – introductory part

Text proposed by the Commission

(d) the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement, ***unless and in as far as such use is strictly necessary for one of the following objectives:***

Amendment

(d) the use ***and installation*** of ‘real-time’ ***or ‘post’*** remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement, ***except in relation to border control and in the context of the fight against terrorism:***

Or. es

Amendment 1242

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

Proposal for a regulation

Article 5 – paragraph 1 – point d – introductory part

Text proposed by the Commission

Amendment

(d) *the* use of ‘*real-time*’ remote biometric identification systems in publicly accessible spaces *for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:*

(d) *the development, placing on the market, putting into service, deployment or* use of remote biometric identification systems *or biometrics-based* in publicly accessible spaces, *including online accessible spaces;*

Or. en

Amendment 1243

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

Proposal for a regulation

Article 5 – paragraph 1 – point d – introductory part

Text proposed by the Commission

Amendment

(d) the use of ‘*real-time*’ remote biometric identification systems in publicly accessible spaces *for the purpose of law enforcement*, unless and in as far as such use is strictly necessary for one of the following objectives:

(d) the use of ‘*real-time*’ remote biometric identification systems in publicly accessible spaces, unless and in as far as such use *by law enforcement* is strictly necessary for one of the following objectives:

Or. en

Amendment 1244

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

Proposal for a regulation

Article 5 – paragraph 1 – point d – introductory part

Text proposed by the Commission

Amendment

(d) the use of ‘*real-time*’ remote biometric identification systems in publicly accessible spaces *for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:*

(d) the *placing or making available on the market, the putting into service or* use of remote biometric identification systems *that are or maybe used* in publicly *or privately* accessible spaces, *as well as online spaces;*

Or. en

Amendment 1245
Jorge Buxadé Villalba

Proposal for a regulation
Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission

Amendment

(i) the targeted search for specific potential victims of crime, including missing children; **deleted**

Or. es

Amendment 1246
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission

Amendment

(i) the targeted search for specific potential victims of crime, including missing children; **deleted**

Or. en

Amendment 1247
Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation
Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission

Amendment

(i) the targeted search for specific potential victims of crime, including missing children; **deleted**

Or. en

Amendment 1248

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

Proposal for a regulation

Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission

Amendment

(i) the targeted search for specific potential victims of crime, including missing children; **deleted**

Or. en

Amendment 1249

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission

Amendment

(i) the targeted search for specific potential victims of crime, including missing children; **deleted**

Or. en

Amendment 1250

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

Proposal for a regulation

Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission

Amendment

(i) the targeted search for specific potential victims of crime, including missing children; **deleted**

Or. en

Amendment 1251

Rob Rooker

on behalf of the ECR Group

Proposal for a regulation

Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission

Amendment

(i) *the targeted search for specific potential victims of crime, including missing children;* *deleted*

Or. en

Amendment 1252

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

Proposal for a regulation

Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission

Amendment

(i) *the targeted search for specific potential victims of crime, including missing children;* *deleted*

Or. en

Amendment 1253

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Sophia in 't Veld, Lucia Ďuriš Nicholsonová, Irena Joveva, Karen Melchior, Svenja Hahn, Róza Thun und Hohenstein, Alin Mituța

Proposal for a regulation

Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission

Amendment

(i) *the targeted search for specific potential victims of crime, including missing children;* *deleted*

Or. en

Amendment 1254

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

Proposal for a regulation

Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission

Amendment

(i) the targeted search for specific potential victims of crime, including missing children; **deleted**

Or. en

Amendment 1255

Kosma Złotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission

Amendment

(i) the targeted search for specific potential victims of crime, *including missing children*; **(i) the targeted search for specific potential victims of crime;**

Or. en

Amendment 1256

Jorge Buxadé Villalba

Proposal for a regulation

Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission

Amendment

(ii) the prevention of a specific, substantial and imminent threat to the life or physical safety of natural persons or of a terrorist attack; **deleted**

Or. es

Amendment 1257

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

Proposal for a regulation

Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission

Amendment

(ii) *the prevention of a specific, substantial and imminent threat to the life or physical safety of natural persons or of a terrorist attack;* *deleted*

Or. en

Amendment 1258

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission

Amendment

(ii) *the prevention of a specific, substantial and imminent threat to the life or physical safety of natural persons or of a terrorist attack;* *deleted*

Or. en

Amendment 1259

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

Proposal for a regulation

Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission

Amendment

(ii) *the prevention of a specific, substantial and imminent threat to the life or physical safety of natural persons or of* *deleted*

Or, en

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

Article 5 – paragraph 1 – point d – point ii

Amendment

(ii) the prevention of a specific, substantial and imminent threat to the life or physical safety of natural persons or of a terrorist attack;

Or. en

Salima Yenbou, Samira Rafaela, Monica Smedo, Karen Melchior, Peter Pollák

Article 5 – paragraph 1 – point d – point ii

Amendment

(ii) the prevention of a specific, substantial and imminent threat to the life or physical safety of natural persons or of a terrorist attack;

Or. en

on behalf of the ECR Group

Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission

Amendment

(ii) *the prevention of a specific, deleted
substantial and imminent threat to the life
or physical safety of natural persons or of
a terrorist attack;*

Or. en

Amendment 1263

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Sophia in 't Veld, Lucia Ďuriš Nicholsonová, Irena Joveva, Karen Melchior, Svenja Hahn, Róza Thun und Hohenstein, Alin Mituța

Proposal for a regulation

Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission

Amendment

(ii) *the prevention of a specific, deleted
substantial and imminent threat to the life
or physical safety of natural persons or of
a terrorist attack;*

Or. en

Amendment 1264

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission

Amendment

(ii) *the prevention of a specific, deleted
substantial and imminent threat to the life
or physical safety of natural persons or of
a terrorist attack;*

Or. en

Amendment 1265

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

Proposal for a regulation

Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission

Amendment

(ii) *the prevention of a specific, substantial and imminent threat to the life or physical safety of natural persons or of a terrorist attack;*

deleted

Or. en

Amendment 1266

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission

Amendment

(ii) the prevention of a specific, substantial *and imminent* threat to the *life* or physical safety of natural persons or of a terrorist attack;

(ii) the prevention of a specific *and* substantial threat to the *critical infrastructure, life, health* or physical safety of natural persons or of a terrorist attack;

Or. en

Amendment 1267

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

Proposal for a regulation

Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission

Amendment

(ii) the prevention of a *specific, substantial and imminent* threat to the life or physical safety of natural persons or of a terrorist attack;

(ii) the prevention of a threat to the life or physical safety of natural persons or of a terrorist attack;

Or. en

Amendment 1268
Jorge Buxadé Villalba

Proposal for a regulation
Article 5 – paragraph 1 – point d – point iii

Text proposed by the Commission

Amendment

(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA⁶² and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.

deleted

⁶² 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 1269
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

Proposal for a regulation
Article 5 – paragraph 1 – point d – point iii

Text proposed by the Commission

Amendment

(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA⁶² and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.

deleted

⁶² *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 1270

Rob Rooker

on behalf of the ECR Group

Proposal for a regulation

Article 5 – paragraph 1 – point d – point iii

Text proposed by the Commission

Amendment

(iii) *the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA⁶² and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.*

deleted

⁶² *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 1271

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 5 – paragraph 1 – point d – point iii

(iii) *the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA⁶² and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.* *deleted*

⁶² *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 1272

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

Proposal for a regulation

Article 5 – paragraph 1 – point d – point iii

(iii) *the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA⁶² and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.* *deleted*

⁶² *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 1273

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

Proposal for a regulation

Article 5 – paragraph 1 – point d – point iii

Text proposed by the Commission

Amendment

(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA⁶² and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.

deleted

⁶² *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 1274

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Karen Melchior, 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

Article 5 – paragraph 1 – point d – point iii

Text proposed by the Commission

Amendment

(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA⁶² and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.

deleted

⁶² 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 1275
Vincenzo Sofo, Kosma Złotowski

Proposal for a regulation
Article 5 – paragraph 1 – point d – point iii

Text proposed by the Commission

Amendment

(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA⁶² and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.

deleted

⁶² 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).

Amendment 1276

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

Proposal for a regulation

Article 5 – paragraph 1 – point d – point iii

Text proposed by the Commission

Amendment

(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA⁶² and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State. **deleted**

⁶² 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).

Amendment 1277

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

Proposal for a regulation

Article 5 – paragraph 1 – point d – point iii

Text proposed by the Commission

Amendment

(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA⁶² and punishable in the Member State concerned by a custodial **deleted**

sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.

⁶² *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 1278

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

Proposal for a regulation

Article 5 – paragraph 1 – point d – point iii

Text proposed by the Commission

Amendment

<p><i>(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA⁶² and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.</i></p>	<p><i>deleted</i></p>
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⁶² *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 1279

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 5 – paragraph 1 – point d – point iii

Text proposed by the Commission

Amendment

(iii) *the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA⁶² and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.*

deleted

⁶² *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 1280

Axel Voss, Deirdre Clune

Proposal for a regulation

Article 5 – paragraph 1 – point d – point iii

Text proposed by the Commission

Amendment

(iii) the *detection*, localisation, identification *or* prosecution *of a perpetrator or suspect of a criminal offence* referred to in Article 2(2) of Council Framework Decision 2002/584/JHA⁶² and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.

(iii) the localisation *or* identification *of a natural person for the purpose of conducting a criminal investigation, prosecution or executing a criminal penalty for offences* referred to in Article 2(2) of Council Framework Decision 2002/584/JHA⁶² and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, *or other specific offences punishable in the Member State concerned by a custodial*

⁶² 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).

⁶² 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).

(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least **ten** years, as determined by the law of that Member State.

EN

Article 5 – paragraph 1 – point d – point iii a (new)

Text proposed by the Commission

Amendment

(iii a) searching for missing persons, especially those who are minors or have medical conditions that affect memory, communication, or independent decision-making skills;

Or. en

Amendment 1283

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

Proposal for a regulation

Article 5 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) the placing on the market, putting into service or use of:

(i) AI systems intended to be used for the purpose of determining access or assigning natural persons to educational and vocational training institutions;

(ii) AI systems intended to be used for the purpose of assessing students in educational and vocational training institutions.

(iii) AI systems intended to be used for recruitment or selection of natural persons, notably for advertising vacancies, screening or filtering applications, evaluating candidates in the course of interviews or tests;

(iv) AI systems intended to be used for making decisions on promotion and termination of work-related contractual relationships, for task allocation and for monitoring and evaluating performance and behavior of persons in such relationships.

(v) AI systems intended to be used by public authorities, private entities or on their behalf to evaluate the eligibility of

natural persons for public assistance benefits and services, essential private services, as well as to grant, reduce, revoke, or reclaim such benefits and services;

(vi) AI systems intended to be used to evaluate the creditworthiness of natural persons or establish their credit score, with the exception of AI systems put into service by small scale providers for their own use;

(vii) AI systems intended to be used by competent authorities for migration, asylum and border control management to assess a risk, including a security risk, a risk of irregular immigration, or a health risk, posed by a natural person who intends to enter or has entered into the territory of a Member State;

(viii) AI systems intended to be used by public authorities, including competent authorities for migration, asylum and border control management, as polygraphs and similar tools or to detect the emotional state of a natural person;

Or. en

Amendment 1284

Maria-Manuel Leitão-Marques, Eva Kaili

Proposal for a regulation

Article 5 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) the placing on the market, putting into service, or use of an AI system for the specific technical processing of brain or brain-generated data in order to access, infer, influence, or manipulate a person's thoughts, emotions, memories, intentions, beliefs, or other mental states against that person's will or in a manner that causes or is likely to cause that person or another person physical or psychological harm.

Amendment 1285

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

Proposal for a regulation

Article 5 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) AI systems intended to be used by law enforcement authorities for making individual risk assessments of natural persons in order to assess the risk of a natural person for offending or reoffending or the risk for potential victims of criminal offences;

Or. en

Amendment 1286

Svenja Hahn, Nicola Beer, Moritz Körner, Jan-Christoph Oetjen, Karen Melchior, Morten Løkkegaard, Vlad-Marius Botoș, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlani, Sophia in 't Veld

Proposal for a regulation

Article 5 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) the use of an AI system for the general monitoring, detection and interpretation of private content in interpersonal communication services, including all measures that would undermine end-to-end encryption..

Or. en

Justification

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 shall be

prohibited.

Amendment 1287

Sophia in 't Veld, Michal Šimečka, Róza Thun und Hohenstein

Proposal for a regulation

Article 5 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) The creation or expansion of facial recognition or other biometric databases through the untargeted scraping of biometric data from social media profiles or CCTV footage or equivalent methods;

Or. en

Amendment 1288

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

Proposal for a regulation

Article 5 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) the creation or expansion of biometric databases through the untargeted or generalised scraping of biometric data from social media profiles or CCTV footage, or equivalent methods;

Or. en

Amendment 1289

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

Proposal for a regulation

Article 5 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) the development, placing on the market, putting into service, deployment or use of of biometric categorisation systems;

Or. en

Amendment 1290

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

Proposal for a regulation

Article 5 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) The use of predictive, profiling and risk assessment AI systems in law enforcement and criminal justice;

Or. en

Amendment 1291

Rob Rooker

on behalf of the ECR Group

Proposal for a regulation

Article 5 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) The use of private biometric databases for the purpose of law enforcement;

Or. en

Amendment 1292

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

Proposal for a regulation

Article 5 – paragraph 1 – point d b (new)

(d b) The use of predictive, profiling and risk assessment AI system by or on behalf of competent authorities in migration, asylum or border control management, to profile an individual or assess a risk, including a security risk, a risk of irregular immigration, or a health risk, posed by a natural person who intends to enter or has entered the territory of a Member State, on the basis of personal or sensitive data, known or predicted, except for the sole purpose of identifying specific care and support needs;

Or. en

Amendment 1293

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

Proposal for a regulation

Article 5 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(d b) the placing on the market, putting into service or use of AI systems to infer emotions of a natural person, except for health or research purposes or other exceptional purposes, and subject to full regulatory review and with full and informed consent at all times.

Or. en

Amendment 1294

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

Proposal for a regulation

Article 5 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(d b) AI systems intended to be used by

law enforcement authorities or other competent public authorities as polygraphs and similar tools or to detect the emotional state of a natural person;

Or. en

Amendment 1295

Kim Van Sparrentak, Sergey Lagodinsky

on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä, Marcel Kolaja, Patrick Breyer

Proposal for a regulation

Article 5 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(d b) the placing on the market, putting into service, deployment or use of of emotion recognition systems other than for the personal use of natural persons as an assistive technology;

Or. en

Amendment 1296

Sophia in 't Veld, Michal Šimečka, Róza Thun und Hohenstein

Proposal for a regulation

Article 5 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(d b) The use of private facial recognition or other private biometric databases for the purpose of law enforcement

Or. en

Amendment 1297

Rob Rooken

on behalf of the ECR Group

Proposal for a regulation
Article 5 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(d b) The placing on the market, putting into service or use of 'emotion recognition systems';

Or. en

Amendment 1298

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

Proposal for a regulation
Article 5 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(d b) the use of remote biometric categorisation systems in publicly accessible spaces;

Or. en

Amendment 1299

Sophia in 't Veld, Michal Šimečka, Róza Thun und Hohenstein

Proposal for a regulation
Article 5 – paragraph 1 – point d c (new)

Text proposed by the Commission

Amendment

(d c) The placing on the market, putting into service or use of 'emotion recognition systems', unless for health purposes, which would be considered high risk. Emotion recognition systems for health purposes shall be limited to their intended purpose, subject to all applicable data protection conditions and limits, and:
(i) undergo strict testing to ensure scientific and clinical validity;
(ii) contain clear advice to anyone that may procure or use them about the

limitations of such technologies and their potential risks, including of flawed or potentially harmful outcomes;

(iii) be developed with the active participation and input of the groups they are intended to benefit, as well as those with expertise in the range of fundamental rights that could be deliberately or inadvertently impacted;

(iv) be developed and deployed in a manner that respects the rights of all persons likely to be affected by them;

(v) be subject to an opinion of the Health Security Committee and the Fundamental Rights Agency.

Or. en

Amendment 1300

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

Proposal for a regulation

Article 5 – paragraph 1 – point d c (new)

Text proposed by the Commission

Amendment

(d c) the placing on the market, putting into service or use of biometric categorisation systems, or other AI systems, that categorise natural persons according to sensitive or protected attributes or characteristics, or infer those attributes or characteristics. Sensitive attributes or characteristics include, but are not limited to:

(i) Gender & gender identity

(ii) Race

(iii) Ethnic origin

(iv) Migration or citizenship status

(v) Political orientation

(vi) Sexual orientation

(vii) Religion

(viii) Disability

(ix) Or any other grounds on which discrimination is prohibited under Article 21 of the EU Charter of Fundamental Rights as well as under Article 9 of the Regulation (EU) 2016/679;

Or. en

Amendment 1301

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

Proposal for a regulation

Article 5 – paragraph 1 – point d c (new)

Text proposed by the Commission

Amendment

(d c) the use of AI systems by or on behalf of competent authorities in migration, asylum or border control management, to profile an individual or assess a risk, including a security risk, a risk of irregular immigration, or a health risk, posed by a natural person who intends to enter or has entered the territory of a Member State, on the basis of personal or sensitive data, known or predicted, except for the sole purpose of identifying specific care and support needs;

Or. en

Amendment 1302

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

Proposal for a regulation

Article 5 – paragraph 1 – point d c (new)

Text proposed by the Commission

Amendment

(d c) AI systems intended to be used by law enforcement authorities for predicting the occurrence or reoccurrence of an actual or potential criminal offence based on profiling of natural persons as referred

to in Article 3(4) of Directive (EU) 2016/680 or assessing personality traits and characteristics or past criminal behaviour of natural persons, groups, or locations;

Or. en

Amendment 1303

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

Proposal for a regulation

Article 5 – paragraph 1 – point d c (new)

Text proposed by the Commission

Amendment

(d c) the placing on the market, putting into service, or use of AI systems by law enforcement authorities or by competent authorities in migration, asylum and border control management, such as polygraphs and similar tools to detect deception, trustworthiness or related characteristics;

Or. en

Amendment 1304

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

Proposal for a regulation

Article 5 – paragraph 1 – point d c (new)

Text proposed by the Commission

Amendment

(d c) the development, placing on the market, putting into service, deployment or use of AI systems for automated monitoring and analysis of human behaviour in publicly accessible spaces, including online;

Or. en

Amendment 1305

Rob Rooker

on behalf of the ECR Group

Proposal for a regulation

Article 5 – paragraph 1 – point d c (new)

Text proposed by the Commission

Amendment

**(d c) The use of biometric
categorisation systems;**

Or. en

Amendment 1306

Kim Van Sparrentak, Sergey Lagodinsky

on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 5 – paragraph 1 – point d d (new)

Text proposed by the Commission

Amendment

**(d d) the development, placing on the
market, putting into service, deployment
or use of an AI system that can
reasonably foreseeably be used for
constant monitoring of an individual's
behaviour to identify, predict or deter
rule-breaking or fraud in a relationship of
power, such as at work or in education, in
particular where this constant monitoring
has potential punitive or detrimental
consequences for individuals;**

Or. en

Amendment 1307

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

Proposal for a regulation

Article 5 – paragraph 1 – point d d (new)

Text proposed by the Commission

Amendment

(d d) the placing on the market, putting into service or use of an AI system for making predictions, profiles or risk assessments based on data analysis or profiling of natural persons, 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;

Or. en

Amendment 1308

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

Proposal for a regulation

Article 5 – paragraph 1 – point d d (new)

Text proposed by the Commission

Amendment

(d d) the use of AI systems by or on behalf of competent authorities in migration, asylum and border control management, to forecast or predict individual or collective movement for the purpose of, or in any way reasonably foreseeably leading to, the interdicting, curtailing or preventing migration or border crossings;

Or. en

Amendment 1309

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

Proposal for a regulation

Article 5 – paragraph 1 – point d d (new)

Text proposed by the Commission

Amendment

(d d) The creation or expansion of facial recognition or other biometric databases through the untargeted or

generalised scraping of biometric data from social media profiles or closed circuit television (CCTV) footage, or equivalent methods;

Or. en

Amendment 1310

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

Proposal for a regulation

Article 5 – paragraph 1 – point d d (new)

Text proposed by the Commission

Amendment

(d d) AI systems intended to be used by law enforcement authorities for profiling of natural persons as referred to in Article 3(4) of Directive (EU) 2016/680 in the course of detection, investigation or prosecution of criminal offences;

Or. en

Amendment 1311

Sophia in 't Veld, Michal Šimečka, Róza Thun und Hohenstein

Proposal for a regulation

Article 5 – paragraph 1 – point d d (new)

Text proposed by the Commission

Amendment

(d d) AI systems intended to be used by law enforcement authorities as polygraphs and similar tools or to detect the emotional state of a natural person;

Or. en

Amendment 1312

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

Proposal for a regulation

Article 5 – paragraph 1 – point d d (new)

Text proposed by the Commission

Amendment

(d d) The use of private facial recognition or other private biometric databases for the purpose of law enforcement;

Or. en

Amendment 1313
Sophia in 't Veld, Michal Šimečka

Proposal for a regulation
Article 5 – paragraph 1 – point d e (new)

Text proposed by the Commission

Amendment

(d e) The placing on the market, putting into service or use of AI systems including, but not limited to polygraphs and similar tools to detect deception, trustworthiness or related characteristics, by or on behalf of competent authorities in migration, asylum or border control management, to profile an individual or assess a risk, including a security risk, a risk of irregular immigration, or a health risk, posed by a natural person who intends to enter or has entered the territory of a Member state, on the basis of personal or sensitive data, known or predicted, except for the sole purpose of identifying specific care and support needs;

Or. en

Amendment 1314
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 5 – paragraph 1 – point d e (new)

Text proposed by the Commission

Amendment

(d e) AI systems intended to be used for crime analytics regarding natural persons, allowing law enforcement authorities to search complex related and unrelated large data sets available in different data sources or in different data formats in order to identify unknown patterns or discover hidden relationships in the data.

Or. en

Amendment 1315

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

Proposal for a regulation

Article 5 – paragraph 1 – point d e (new)

Text proposed by the Commission

Amendment

(d e) the placing on the market, putting into service, deployment or use of recommender systems aimed at generating interaction that systematically suggest disinformation or illegal content;

Or. en

Amendment 1316

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

Proposal for a regulation

Article 5 – paragraph 1 – point d e (new)

Text proposed by the Commission

Amendment

(d e) the use of private facial recognition or other private biometric databases for the purpose of law enforcement;

Or. en

Amendment 1317

Sophia in 't Veld, Michal Šimečka, Róza Thun und Hohenstein

Proposal for a regulation

Article 5 – paragraph 1 – point d f (new)

Text proposed by the Commission

Amendment

(d f) the placing on the market, putting into service or use of AI systems that use psysiological, behavioural or biometric data to infer attributes or characteristics of persons or groups which are not solely determined by such data or are not externally observable or whose complexity is not possible to fully capture in data, including but not limited to gender, race, colour, ethnic or social origin, as well as political or sexual orientation, or other grounds for discrimination prohibited under Article 21 of the Charter.

Or. en

Amendment 1318

Kim Van Sparrentak, Sergey Lagodinsky

on behalf of the Verts/ALE Group

Tineke Strik, Alexandra Geese, Alviina Alametsä, Marcel Kolaja, Patrick Breyer

Proposal for a regulation

Article 5 – paragraph 1 – point d f (new)

Text proposed by the Commission

Amendment

(d f) the use of AI systems by law enforcement authorities, criminal justice authorities, migration, asylum and border-control authorities, or other public authorities to make predictions, profiles or risk assessments based on data analysis or profiling of natural persons as referred to in Article 3(4) of Directive EU 2016/680, groups or locations, for the purpose of predicting the occurrence or recurrence of an actual or potential criminal offence(s) or other offences, or

rule-breaking;

Or. en

Amendment 1319

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

Proposal for a regulation

Article 5 – paragraph 1 – point d f (new)

Text proposed by the Commission

Amendment

(d f) the placing on the market, putting into service, or use of AI systems that are aimed at automating judicial or similarly intrusive binding decisions by state actors;

Or. en

Amendment 1320

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

Proposal for a regulation

Article 5 – paragraph 1 – point d f (new)

Text proposed by the Commission

Amendment

(d f) The use of remote biometric identification in migration management, border surveillance and humanitarian aid.

Or. en

Amendment 1321

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

Proposal for a regulation

Article 5 – paragraph 1 – point d f (new)

Text proposed by the Commission

Amendment

(d f) the placing on the market, putting

into service or use of ‘emotion recognition systems’

Or. en

Amendment 1322

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

Proposal for a regulation

Article 5 – paragraph 1 – point d g (new)

Text proposed by the Commission

Amendment

(d g) the placing on the market, putting into service or the use of AI systems by or on behalf of competent authorities in migration, asylum or border control management, to profile an individual or assess a risk, including a security risk, a risk of irregular immigration, or a health risk, posed by a natural person who intends to enter or has entered the territory of a Member State, on the basis of personal or sensitive data, known or predicted, except for the sole purpose of identifying specific care and support needs;

Or. en

Amendment 1323

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä, Tineke Strik, Marcel Kolaja, Patrick Breyer

Proposal for a regulation

Article 5 – paragraph 1 – point d g (new)

Text proposed by the Commission

Amendment

(d g) the use of AI systems by or on behalf of competent authorities, or third parties acting on their behalf, in migration, asylum or border control management, to profile an individual or

assess a risk, including a security risk, a risk of irregular immigration, or a health risk, posed by a natural person on the basis of personal or sensitive data, known or predicted, except for the sole purpose of identifying specific care and support needs;

Or. en

Amendment 1324

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

Proposal for a regulation

Article 5 – paragraph 1 – point d g (new)

Text proposed by the Commission

Amendment

(d g) the use of AI systems, by or on behalf of competent authorities in migration, asylum and border control management, to forecast or predict individual or collective movement for the purpose of, or in any way reasonably foreseeably leading to, the interdicting, curtailing or preventing migration or border crossings;

Or. en

Amendment 1325

Sophia in 't Veld, Michal Šimečka, Róza Thun und Hohenstein

Proposal for a regulation

Article 5 – paragraph 1 – point d g (new)

Text proposed by the Commission

Amendment

(d g) AI systems intended to be used by public authorities or on behalf of public authorities to evaluate the eligibility of natural persons for public assistance benefits and services, as well as to grant, reduce, revoke, or reclaim such benefits and services;

Amendment 1326

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

Proposal for a regulation

Article 5 – paragraph 1 – point d g (new)

Text proposed by the Commission

Amendment

(d g) the use of biometric categorisation systems in publicly-accessible spaces, workplaces (including in hiring processes), and educational settings;

Or. en

Amendment 1327

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

Proposal for a regulation

Article 5 – paragraph 1 – point d h (new)

Text proposed by the Commission

Amendment

(d h) the placing on the market, putting into service or use of biometric categorisation systems, or other AI systems, that categorise natural persons according to sensitive or protected attributes or characteristics, or infer those attributes or characteristics, including:

- Sex***
- Gender & gender identity***
- Race***
- Ethnic origin***
- Membership of a national minority***
- Migration or citizenship status***
- Political orientation***
- Social origin or class***
- Language or dialect***
- Trade union membership***

- *Sexual orientation*
- *Religion or philosophical orientation*
- *Disability*
- *Or any other grounds on which discrimination is prohibited under Article 21 of the EU Charter of Fundamental Rights as well as under Article 9 of the General Data Protection Regulation*

Or. en

Amendment 1328

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

Proposal for a regulation

Article 5 – paragraph 1 – point d h (new)

Text proposed by the Commission

Amendment

(d h) the placing on the market, putting into service or the use of AI systems, by or on behalf of competent authorities in migration, asylum and border control management, to forecast or predict individual or collective movement for the purpose of, or in any way reasonably foreseeably leading to, the prohibiting, curtailing or preventing migration or border crossings;

Or. en

Amendment 1329

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä, Tineke Strik, Marcel Kolaja, Patrick Breyer

Proposal for a regulation

Article 5 – paragraph 1 – point d h (new)

Text proposed by the Commission

Amendment

(d h) the placing on the market, putting into service, or use of AI systems by law

enforcement authorities, or by competent authorities in migration, asylum and border control management, as polygraphs and similar tools to detect deception, trustworthiness or related characteristics

Or. en

Amendment 1330

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

Proposal for a regulation

Article 5 – paragraph 1 – point d h (new)

Text proposed by the Commission

Amendment

(d h) The use of private facial recognition or other private biometric databases for the purpose of law enforcement;

Or. en

Amendment 1331

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

Proposal for a regulation

Article 5 – paragraph 1 – point d i (new)

Text proposed by the Commission

Amendment

(d i) the use of AI systems by law enforcement authorities, criminal justice authorities, or other public authorities in conjunction with law enforcement and criminal justice authorities, to make predictions, profiles or risk assessments based on data analysis or profiling of natural persons [as referred to in Article 3(4) of Directive EU)2016/680], 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.”

Amendment 1332

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

Proposal for a regulation

Article 5 – paragraph 1 – point d i (new)

Text proposed by the Commission

Amendment

(d i) the placing on the market, putting into service or the use of AI systems intended to assist competent authorities for the examination of application for asylum, visa and residence permits and associated complaints with regard to the eligibility of the natural persons applying for a status;

Or. en

Amendment 1333

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

Proposal for a regulation

Article 5 – paragraph 1 – point d i (new)

Text proposed by the Commission

Amendment

(d i) The creation or expansion of facial recognition or other biometric databases through the untargeted or generalised scraping of biometric data from social media profiles or CCTV footage, or equivalent methods;

Or. en

Amendment 1334

Kim Van Sparrentak, Sergey Lagodinsky

on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä, Marcel Kolaja, Patrick Breyer

Proposal for a regulation
Article 5 – paragraph 1 – point d i (new)

Text proposed by the Commission

Amendment

(d i) The development of private facial recognition or other private biometric databases and the use of such databases for the purpose of law enforcement;

Or. en

Amendment 1335
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 5 – paragraph 1 – point d j (new)

Text proposed by the Commission

Amendment

(d j) the use of AI systems, by or on behalf of competent authorities in migration, asylum and border control management, to forecast or predict individual or collective movement for the purpose of, or in any way reasonably foreseeably leading to, the interdicting, curtailing or preventing migration or border crossings;

Or. en

Amendment 1336
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä, Marcel Kolaja, Patrick Breyer

Proposal for a regulation
Article 5 – paragraph 1 – point d j (new)

Text proposed by the Commission

Amendment

(d j) The creation or expansion of facial recognition or other biometric databases through the untargeted or generalised scraping of biometric data

*from social media profiles or CCTV
footage, or equivalent methods;*

Or. en

Amendment 1337

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

Proposal for a regulation

Article 5 – paragraph 1 – point d j (new)

Text proposed by the Commission

Amendment

*(d j) the placing on the market, putting
into service or use of ‘emotion recognition
systems’;*

Or. en

Amendment 1338

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

Proposal for a regulation

Article 5 – paragraph 1 – point d k (new)

Text proposed by the Commission

Amendment

*(d k) The use of AI systems by law
enforcement and criminal justice
authorities to make predictions, profiles
or risk assessments for the purpose of
predicting crime.*

Or. en

Amendment 1339

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

Proposal for a regulation

Article 5 – paragraph 1 – point d k (new)

Text proposed by the Commission

Amendment

(d k) the use of biometric categorisation

systems in publicly-accessible spaces, workplaces (including in hiring processes), and educational settings;

Or. en

Amendment 1340

Kim Van Sparrentak, Sergey Lagodinsky

on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä, Tineke Strik, Marcel Kolaja, Patrick Breyer

Proposal for a regulation

Article 5 – paragraph 1 – point d k (new)

Text proposed by the Commission

Amendment

(d k) The use of remote biometric identification for the purpose of migration management, border surveillance and humanitarian aid;

Or. en

Amendment 1341

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

Proposal for a regulation

Article 5 – paragraph 1 – point d l (new)

Text proposed by the Commission

Amendment

(d l) the placing on the market, putting into service or use of:

(i) AI systems intended to be used for the purpose of determining access or assigning natural persons to educational and vocational training institutions;

(ii) AI systems intended to be used for the purpose of assessing students in educational and vocational training institutions.

(iii) AI systems intended to be used for recruitment or selection of natural persons, notably for advertising vacancies, screening or filtering

applications, evaluating candidates in the course of interviews or tests;

(iv) AI systems intended to be used for making decisions on promotion and termination of work-related contractual relationships, for task allocation and for monitoring and evaluating performance and behaviour of persons in such relationships;

(v) AI systems intended to be used by public authorities, private entities or on their behalf to evaluate the eligibility of natural persons for public assistance benefits and services, essential private services, as well as to grant, reduce, revoke, or reclaim such benefits and services;

(vi) AI systems intended to be used to evaluate the creditworthiness of natural persons or establish their credit score;

Or. en

Amendment 1342

Kim Van Sparrentak, Sergey Lagodinsky

on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä, Marcel Kolaja, Patrick Breyer

Proposal for a regulation

Article 5 – paragraph 1 – point d l (new)

Text proposed by the Commission

Amendment

(d l) the use of AI systems for indiscriminate surveillance applied in a generalised manner to a large number of natural persons without differentiation;

Or. en

Amendment 1343

Kim Van Sparrentak, Sergey Lagodinsky

on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä, Marcel Kolaja, Patrick Breyer

Proposal for a regulation
Article 5 – paragraph 1 – point d m (new)

Text proposed by the Commission

Amendment

(d m) The collection or generation of data for practices and AI systems listed in paragraphs -1 and 1 shall also be prohibited throughout their lifecycle, including training, validation and testing;

Or. en

Amendment 1344

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä, Marcel Kolaja, Patrick Breyer

Proposal for a regulation
Article 5 – paragraph 1 – point d n (new)

Text proposed by the Commission

Amendment

(d n) The placing on the market, putting into use or deployment of AI systems built on, designed, trained, validated or tested with data that was collected, processed or generated illegally;

Or. en

Amendment 1345

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä, Marcel Kolaja, Patrick Breyer

Proposal for a regulation
Article 5 – paragraph 1 – point d o (new)

Text proposed by the Commission

Amendment

(d o) The Union shall not fund research into and development of AI systems which are likely to be used for indiscriminate surveillance of publicly accessible spaces applied in a generalised manner to a large

number of natural persons without differentiation.

Or. en

Amendment 1346

Kim Van Sparrentak, Sergey Lagodinsky

on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä, Marcel Kolaja, Patrick Breyer

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. In Accordance with Article 73, the Commission is empowered to amend paragraph 1 of this Article by means of a delegated act by adding systems that adversely affect, or are likely to adversely affect, the essence of fundamental rights. In doing so the Commission shall consult civil society and human rights experts annually to reflect state-of-the-art knowledge regarding the potential impacts of technology on fundamental rights.

Or. en

Amendment 1347

René Repasi, Marc Angel, Andreas Schieder, Paul Tang, Maria-Manuel Leitão-Marques

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. the placing on the market, putting into service or use of an AI system that analyses and understands human non-verbal signs such as facial expressions, body language, gestures and voice tones to assess their emotional state or perform biometric categorisation.

Amendment 1348

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Sophia in 't Veld, Irena Joveva, Karen Melchior, Svenja Hahn, Alin Mituța

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. *The use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall take into account the following elements:* ***deleted***

(a) the nature of the situation giving rise to the possible use, in particular the seriousness, probability and scale of the harm caused in the absence of the use of the system;

(b) the consequences of the use of the system for the rights and freedoms of all persons concerned, in particular the seriousness, probability and scale of those consequences.

In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use, in particular as regards the temporal, geographic and personal limitations.

Amendment 1349

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. *The use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall take into account the following elements:* ***deleted***

(a) the nature of the situation giving rise to the possible use, in particular the seriousness, probability and scale of the harm caused in the absence of the use of the system;

(b) the consequences of the use of the system for the rights and freedoms of all persons concerned, in particular the seriousness, probability and scale of those consequences.

In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use, in particular as regards the temporal, geographic and personal limitations.

Or. en

Amendment 1350

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

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. *The use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall take into account the following elements:* *deleted*

(a) the nature of the situation giving rise to the possible use, in particular the seriousness, probability and scale of the harm caused in the absence of the use of the system;

(b) the consequences of the use of the system for the rights and freedoms of all persons concerned, in particular the seriousness, probability and scale of those consequences.

In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use, in particular as regards the temporal, geographic and personal limitations.

Or. en

Amendment 1351

Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Paul Tang, René Repasi, Birgit Sippel, Maria Grapini

Proposal for a regulation Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. *The use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall take into account the following elements:* *deleted*

(a) the nature of the situation giving rise to the possible use, in particular the seriousness, probability and scale of the harm caused in the absence of the use of the system;

(b) the consequences of the use of the system for the rights and freedoms of all persons concerned, in particular the seriousness, probability and scale of those consequences.

In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use, in particular as regards the temporal, geographic and personal limitations.

Or. en

Amendment 1352

Rob Rooken

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. *The use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall take into account the following elements:*

deleted

(a) the nature of the situation giving rise to the possible use, in particular the seriousness, probability and scale of the harm caused in the absence of the use of the system;

(b) the consequences of the use of the system for the rights and freedoms of all persons concerned, in particular the

seriousness, probability and scale of those consequences.

In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use, in particular as regards the temporal, geographic and personal limitations.

Or. en

Amendment 1353

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

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. *The use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall take into account the following elements:* **deleted**

(a) the nature of the situation giving rise to the possible use, in particular the seriousness, probability and scale of the harm caused in the absence of the use of the system;

(b) the consequences of the use of the system for the rights and freedoms of all persons concerned, in particular the seriousness, probability and scale of those consequences.

In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and

proportionate safeguards and conditions in relation to the use, in particular as regards the temporal, geographic and personal limitations.

Or. en

Amendment 1354

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

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. The use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall take into account the following elements:

deleted

(a) the nature of the situation giving rise to the possible use, in particular the seriousness, probability and scale of the harm caused in the absence of the use of the system;

(b) the consequences of the use of the system for the rights and freedoms of all persons concerned, in particular the seriousness, probability and scale of those consequences.

In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use, in particular as regards the temporal, geographic and personal limitations.

Or. en

Amendment 1355

Jürgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. *The use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall take into account the following elements:* *deleted*

(a) the nature of the situation giving rise to the possible use, in particular the seriousness, probability and scale of the harm caused in the absence of the use of the system;

(b) the consequences of the use of the system for the rights and freedoms of all persons concerned, in particular the seriousness, probability and scale of those consequences.

In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use, in particular as regards the temporal, geographic and personal limitations.

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 1356

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Karen Melchior, Róza Thun und Hohenstein, Vlad-Marius Botoș, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlan, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 5 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the nature of the situation giving rise to the possible use, in particular the seriousness, probability and scale of the harm caused in the absence of the use of the system; *deleted*

Or. en

Amendment 1357

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

Proposal for a regulation

Article 5 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the nature of the situation giving rise to the possible use, in particular the seriousness, probability and scale of the harm caused in the absence of the use of the system; *deleted*

Or. en

Amendment 1358

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Karen Melchior, Róza Thun und Hohenstein, Vlad-Marius Botoș, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlan, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 5 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the consequences of the use of the system for the rights and freedoms of all persons concerned, in particular the seriousness, probability and scale of those consequences. *deleted*

Or. en

Amendment 1359

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

Proposal for a regulation

Article 5 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the consequences of the use of the system for the rights and freedoms of all persons concerned, in particular the seriousness, probability and scale of those consequences. *deleted*

Or. en

Amendment 1360

Vincenzo Sofo, Kosma Złotowski

Proposal for a regulation

Article 5 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the full respect of fundamental rights and freedoms in conformity with Union values, the Universal Declaration of Human Rights, the European Convention of Human Rights and the Charter of Fundamental Rights of the EU.

Or. en

Amendment 1361

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Karen Melchior, Róza Thun und Hohenstein, Vlad-Marius Botoș, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlan, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use, in particular as regards the temporal, geographic and personal limitations. *deleted*

Or. en

Amendment 1362

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Sophia in 't Veld, Irena Joveva, Karen Melchior, Svenja Hahn, Alin Mituța

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use, in particular as regards the temporal, geographic and personal limitations. *deleted*

Or. en

Amendment 1363
Jorge Buxadé Villalba

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission

In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use, *in particular as regards the temporal, geographic and personal limitations.*

Amendment

In addition, the use of ‘real-time’ *or ‘post’* remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use.

Or. es

Justification

By limiting their use to border control and counter-terrorism, there is no need to limit their use personally, geographically or temporally.

Amendment 1364
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Sophia in 't Veld, Irena Joveva, Karen Melchior, Svenja Hahn, Alin Mituţa

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4.

Amendment

deleted

However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use.

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Or. en

Amendment 1365

Jürgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. *As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use.*

deleted

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

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 1366

Kim Van Sparrentak, Sergey Lagodinsky

on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

Amendment

<p>3. As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of</p>	<p>deleted</p>
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national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use.

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Or. en

Amendment 1367

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

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

Amendment

<p>3. As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be</p>	<p>deleted</p>
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commenced without an authorisation and the authorisation may be requested only during or after the use.

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Or. en

Amendment 1368

Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Paul Tang, René Repasi, Birgit Sippel, Maria Grapini

Proposal for a regulation Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use. *deleted*

The competent judicial or administrative

authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Or. en

Amendment 1369
Rob Rooken

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. *As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use.* *deleted*

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification

system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Or. en

Amendment 1370

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

Proposal for a regulation Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use. *deleted*

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In

deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Or. en

Amendment 1371

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

Proposal for a regulation Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. *As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use.* **deleted**

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Amendment 1372
Jorge Buxadé Villalba

Proposal for a regulation
Article 5 – paragraph 3 – introductory part

Text proposed by the Commission

3. As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use.

Amendment

3. As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ **or ‘post’** remote biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use. ***If the prior justification does not comply with the principles of necessity and proportionality, the results obtained by the use of this technology may not be used for law enforcement purposes.***

Or. es

Amendment 1373
Axel Voss, Deirdre Clune

Proposal for a regulation
Article 5 – paragraph 3 – introductory part

Text proposed by the Commission

3. As regards paragraphs 1, point (d) and 2, each **individual** use for the purpose of law enforcement of a ‘real-time’ remote

Amendment

3. As regards paragraphs 1, point (d) and 2, each use for the purpose of law enforcement of a ‘real-time’ remote

biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation **and the** authorisation **may be** requested **only during or after the use**.

biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation **if such** authorisation **is** requested **without undue delay, and, if such authorisation is rejected, the system's use is stopped with immediate effect**.

Or. en

Amendment 1374

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

Proposal for a regulation

Article 5 – paragraph 3 – introductory part

Text proposed by the Commission

3. As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use.

Amendment

3. As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote biometric identification system in publicly accessible **or online** spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use.

Or. en

Amendment 1375

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

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

deleted

Or. en

Amendment 1376

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Sophia in 't Veld, Irena Joveva, Karen Melchior, Svenja Hahn, Alin Mituța

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent

deleted

judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Or, en

Amendment 1377

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

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Or. en

Amendment 1378

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

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to

it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2. ***It shall grant the authorisation for a limited period and scope. Any renewal or amendment of the authorisation shall be subject to the submission of a new request to the competent judicial or administrative authority.***

Or. fr

Amendment 1379
Jorge Buxadé Villalba

Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Amendment

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ ***or ‘post’*** remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Or. es

Amendment 1380
Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Paul Tang, René Repasi, Birgit Sippel, Maria Grapini, Maria-Manuel Leitão-Marques, Marc Angel, Christel Schaldemose

Proposal for a regulation

Article 5 – paragraph 3 – subparagraph 1 – point 1 (new)

Text proposed by the Commission

Amendment

(1) The placing on the market, putting into service or use of biometric categorisation systems, or other AI systems, that categorise natural persons or groups of persons according to sensitive or protected attributes or characteristics, or infer those attributes or characteristics. Sensitive attributes or characteristics include, but are not limited to: gender and gender identity, race, ethnic origin, migration or citizenship status, political orientation, sexual orientation, religion, disability or any other grounds on which discrimination is prohibited under Article 21 of the EU Charter of Fundamental Rights as well as under Article 9 of the Regulation (EU) 2016/679.

Or. en

Amendment 1381

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Sophia in 't Veld, Irena Joveva, Karen Melchior, Svenja Hahn, Alin Mituţa

Proposal for a regulation

Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as

deleted

supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.

Or. en

Amendment 1382

Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Paul Tang, René Repasi, Birgit Sippel, Maria Grapini

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. *A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.* *deleted*

Or. en

Amendment 1383

Jörgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement. **deleted**

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 1384

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

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. A Member State may decide to **deleted**

provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.

Or. en

Amendment 1385

Rob Rooken

Proposal for a regulation

Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. *A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be*

deleted

authorised to use those systems for the purpose of law enforcement.

Or. en

Amendment 1386

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

Proposal for a regulation

Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. *A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.* *deleted*

Or. en

Amendment 1387

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Róza Thun und Hohenstein, Vlad-Marius Botoș, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlani, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 5 – paragraph 4

4. *A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.* **deleted**

Or. en

Amendment 1388

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

Proposal for a regulation
Article 5 – paragraph 4

4. *A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules* **deleted**

shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.

Or. en

Amendment 1389

Vincenzo Sofo, Kosma Złotowski

Proposal for a regulation

Article 5 – paragraph 4

Text proposed by the Commission

4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall **also** specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.

Amendment

4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall **fully comply with EU values, the Universal Declaration of Human Rights, the European Convention of Human Rights and the Charter of Fundamental Rights of the EU** and shall specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.

Or. en

Amendment 1390

Jorge Buxadé Villalba

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), ***including which of the criminal offences referred to in point (iii) thereof***, the competent authorities may be authorised to use those systems for the purpose of law enforcement.

Amendment

4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ ***or ‘post’*** remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d) the competent authorities may be authorised to use those systems for the purpose of law enforcement.

Or. es

Amendment 1391
Axel Voss, Deirdre Clune

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and

Amendment

4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and

exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.

exercise of, as well as supervision **and reporting** relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.

Or. en

Amendment 1392

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

Proposal for a regulation

Article 5 – paragraph 4

Text proposed by the Commission

4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.

Amendment

4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible **or online** spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.

Or. en

Amendment 1393

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation
Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. *When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on worker's rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall seek and take into account the opinion of social partners.*

Or. en

Amendment 1394

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

Proposal for a regulation
Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. *This Article shall 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 1395

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

Proposal for a regulation
Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The placing on the market, putting into service or use of AI systems intended to be used as polygraphs, emotion recognition systems or similar tools to detect the emotional state, trustworthiness or related characteristics of a natural person.

Or. en

Justification

Emotion recognition systems hold a particularly high risk of discrimination and lack scientific accuracy. They should therefore be prohibited.

Amendment 1396

René Repasi, Marc Angel, Andreas Schieder, Maria-Manuel Leitão-Marques

Proposal for a regulation

Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. In order to increase public transparency and oversight every decision about the deployment or marketing of any AI system that is categorised as posing an unacceptable risk shall be made public.

Or. en

Amendment 1397

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Article 5 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4 b. Member States may, by law or collective agreement, decide to prohibit or to limit the use of AI systems or provide more specific provisions for this purpose to ensure the protection of the rights of

workers in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, equality and diversity in the workplace, health and safety at work, protection of employer's or customer's property and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.

Or. en

Amendment 1398

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

Proposal for a regulation

Article 5 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4 b. Member States may, by law or collective agreements, decide to prohibit or to limit the use of AI systems to ensure the protection of the rights of workers in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge obligations laid down by law or by collective agreements, management, planning and organization of work, equality and diversity at the workplace, health and safety at work, protection of employers or customers' property and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment

relationship.

Or. en

Amendment 1399

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, Christel Schaldemose

Proposal for a regulation

Article 5 – paragraph 4 c (new)

Text proposed by the Commission

Amendment

4 c. the placing on the market, putting into service or the use of AI systems by or on behalf of competent authorities in migration, asylum or border control management, to profile an individual or assess a risk, including a security risk, a risk of irregular immigration, or a health risk, posed by a natural person who intends to enter or has entered the territory of a Member State, on the basis of personal or sensitive data, known or predicted, except for the sole purpose of identifying specific care and support needs;

Or. en

Amendment 1400

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, Christel Schaldemose

Proposal for a regulation

Article 5 – paragraph 4 d (new)

Text proposed by the Commission

Amendment

4 d. the placing on the market, putting into service or use of AI systems by competent authorities or on their behalf in migration, asylum and border control management, to forecast or predict

individual or collective movement for the purpose of, or in any way reasonably foreseeably leading to, the prohibiting, curtailing or preventing migration or border crossings;

Or. en

Amendment 1401

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, Christel Schaldemose

Proposal for a regulation

Article 5 – paragraph 4 e (new)

Text proposed by the Commission

Amendment

4 e. the placing on the market, putting into service or the use of AI systems intended to assist competent authorities for the examination of application for asylum, visa and residence permits and associated complaints with regard to the eligibility of the natural persons applying for a status;

Or. en

Amendment 1402

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

Proposal for a regulation

Article 5 – paragraph 4 f (new)

Text proposed by the Commission

Amendment

4 f. the placing on the market, putting into service, or use of an AI system for the specific technical processing of brain or brain-generated data in order to access, infer, influence, or manipulate a person's thoughts, emotions, memories, intentions, beliefs, or other mental states against that

person's will or in a manner that causes or is likely to cause that person or another person physical or psychological harm;

Or. en

Amendment 1403

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

Proposal for a regulation

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

Accessibility Requirements for providers and users of AI systems

1. Providers of AI systems shall ensure that their systems are accessible in accordance with the accessibility requirements set out in Section I, Section II, Section VI, and Section VII of Annex I of Directive (EU) 2019/882 prior to those systems being placed on the market or put into service.

2. Users of AI systems shall use such systems in accordance with the accessibility requirements set out in Section III, Section IV, Section VI, and Section VII of Annex I of Directive (EU) 2019/882.

3. Users of AI systems shall prepare the necessary information in accordance with Annex V of Directive (EU) 2019/882. Without prejudice to Annex VIII of this Regulation, the information shall be made available to the public in an accessible manner for persons with disabilities and be kept for as long as the AI system is in use.

4. Without prejudice to right of affected persons to information about the use and functioning of AI systems, transparency obligations for providers and users of AI, obligations to ensure consistent and meaningful public transparency under

this Regulation, providers and users of AI systems shall ensure that information, forms and measures provided pursuant to this Regulation are made available in a manner that they are easy to find, easy to understand, and accessible in accordance with Annex I to Directive 2019/882.

5. Users of AI systems shall ensure that procedures are in place so that the use of AI systems remains in conformity with the applicable accessibility requirements. Changes in the characteristics of the use, changes in applicable accessibility requirements and changes in the harmonised standards or in technical specifications by reference to which use of an AI system is declared to meet the accessibility requirements shall be adequately taken into account by the user.

6. In the case of non-conformity, users of AI systems shall take the corrective measures necessary to conform with the applicable accessibility requirements. When necessary, and at the request of the user, the provider of the AI system in question shall cooperate with the user to bring the use of the AI system into compliance with applicable accessibility requirements.

7. Furthermore, where the use of an AI system is not compliant with applicable accessibility requirements, the user shall immediately inform the competent national authorities of the Member States in which the system is being used, to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken. They shall cooperate with the authority, at the request of that authority, on any action taken to bring the use of the AI system into compliance with applicable accessibility requirements.

8. AI systems and the use thereof, which are in conformity with harmonised technical standards or parts thereof derived from Directive (EU) 2019/882 the references of which have been published in the Official Journal of the European

Union, shall be presumed to be in conformity with the accessibility requirements of this Regulation in so far as those standards or parts thereof cover those requirements.

9. AI systems and use of thereof, which are in conformity with the technical specifications or parts thereof adopted for the Directive (EU) 2019/882 shall be presumed to be in conformity with the accessibility requirements of this Regulation in so far as those technical specifications or parts thereof cover those requirements.

Or. en

Amendment 1404
Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list of prohibited artificial intelligence practices referred to in Article 5 by adding AI systems that pose an unacceptable risk of harm to health and safety, or an unacceptable risk of adverse impact on fundamental rights.

2. When assessing for the purposes of paragraph 1 whether an AI system poses an unacceptable risk of harm to health and safety, or an unacceptable risk of adverse impact on fundamental rights, the Commission shall take into account the following non-cumulative criteria:

a) the extent to which the intended purpose of the AI system, or the reasonably foreseeable consequences of its use, conflict with the essence of the rights and freedoms established by the

Charter, such that these rights and freedoms would lose their value either for the rights holder or for society as a whole;

b) the extent to which the risks posed by an AI system cannot be sufficiently mitigated, including by the obligations imposed upon high-risk AI systems under this Regulation;

c) the extent to which an AI system violates human dignity;

d) the extent to which the use of an AI system has already caused harm to the health and safety of persons or disproportionate impact on their fundamental rights or has given rise to significant concerns in relation to the materialisation of such harm or disproportionate impact, as demonstrated by reports or documented allegations available to national competent authorities;

e) the potential extent of such harm or such disproportionate impact, in particular in terms of its intensity and its ability to affect a plurality of persons or to affect a particular group of persons disproportionately;

f) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced with an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;

g) the extent to which potentially harmed or adversely impacted persons are in a vulnerable position in relation to the user of an AI system, in particular due to an imbalance of power, knowledge, economic or social circumstances, accessibility barriers or age;

h) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the health or safety of persons or on their fundamental rights shall not

be considered as easily reversible;
i) the extent to which existing Union legislation lacks:
1) effective measures of redress in relation to the risks posed by an AI system, with the exclusion of claims for damages;
2) effective measures to prevent those risks.

Or. en

Amendment 1405

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

Proposal for a regulation

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

Amendments to Article 5

The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list of AI systems and practices prohibited under Article 5 of the present regulation, according to the latest development in technology and to the assessment of increased or newly emerged risks to fundamental rights.

Or. en

Amendment 1406

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

Proposal for a regulation

Article 5 b (new)

Text proposed by the Commission

Amendment

Article 5 b

Delegated acts to update the list of

prohibited AI practices

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list of prohibited artificial intelligence practices referred to in Article 5 by adding AI systems that pose an unacceptable risk of harm to health and safety, or an unacceptable risk of adverse impact on fundamental rights. 2. When assessing for the purposes of paragraph 1 whether an AI system poses an unacceptable risk of harm to health and safety, or an unacceptable risk of adverse impact on fundamental rights, the Commission shall take into account the following non-cumulative criteria:

a) the extent to which the intended purpose of the AI system, or the reasonably foreseeable consequences of its use, conflict with the essence of the rights and freedoms established by the Charter, such that these rights and freedoms would lose their value either for the rights holder or for society as a whole;

b) the extent to which the risks posed by an AI system cannot be sufficiently mitigated, including by the obligations imposed upon high-risk AI systems under this Regulation;

c) the extent to which an AI system violates human dignity;

d) the extent to which the use of an AI system has already caused harm to the health and safety of persons or disproportionate impact on their fundamental rights or has given rise to significant concerns in relation to the materialisation of such harm or disproportionate impact, as demonstrated by reports or documented allegations available to national competent authorities;

e) the potential extent of such harm or such disproportionate impact, in particular in terms of its intensity and its ability to affect a plurality of persons or to affect a particular group of persons

disproportionately;

f) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced with an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;

g) the extent to which potentially harmed or adversely impacted persons are in a vulnerable position in relation to the user of an AI system, in particular due to an imbalance of power, knowledge, economic or social circumstances, accessibility barriers or age;

h) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the health or safety of persons or on their fundamental rights shall not be considered as easily reversible;

i) the extent to which existing Union legislation lacks: i) effective measures of redress in relation to the risks posed by an AI system, with the exclusion of claims for damages; ii) effective measures to prevent those risks.

Or. en

Amendment 1407

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

Proposal for a regulation

Title II a (new)

Text proposed by the Commission

Amendment

Horizontal Requirements for all AI systems

Title for a new Article -Accessibility Requirements for providers and users of AI systems

1.Providers of AI systems shall ensure that their systems are accessible in accordance with the accessibility

requirements set out in Section I, Section II, Section VI, and Section VII of Annex I of Directive (EU) 2019/882 prior to those systems being placed on the market or put into service.

2. Users of AI systems shall use such systems in accordance with the accessibility requirements set out in Section III, Section IV, Section VI, and Section VII of Annex I of Directive (EU) 2019/882.

3. Users of AI systems shall prepare the necessary information in accordance with Annex V of Directive (EU) 2019/882. Without prejudice to Annex VIII of this Regulation, the information shall be made available to the public in an accessible manner for persons with disabilities and be kept for as long as the AI system is in use.

4. Without prejudice to right of affected persons to information about the use and functioning of AI systems, transparency obligations for providers and users of AI, 4 obligations to ensure consistent and meaningful public transparency under this Regulation , providers and users of AI systems shall ensure that information, forms and measures provided pursuant to this Regulation are made available in a manner that they are easy to find, easy to understand, and accessible in accordance with Annex I to Directive 2019/882.

5. Users of AI systems shall ensure that procedures are in place 6 so that the use of AI systems remains in conformity with the applicable accessibility requirements. Changes in the characteristics of the use, changes in applicable accessibility requirements and changes in the harmonised standards or in technical specifications by reference to which use of an AI system is declared to meet the accessibility requirements shall be adequately taken into account by the user.

6. In the case of non-conformity, users of AI systems shall take the corrective measures necessary to conform with the applicable accessibility

requirements. When necessary, and at the request of the user, the provider of the AI system in question shall cooperate with the user to bring the use of the AI system into compliance with applicable accessibility requirements.

7. Furthermore, where the use of an AI system is not compliant with applicable accessibility requirements, the user shall immediately inform the competent national authorities of the Member States in which the system is being used, to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken. They shall cooperate with the authority, at the request of that authority, on any action taken to bring the use of the AI system into compliance with applicable accessibility requirements.

8. AI systems and the use of thereof, which are in conformity with harmonised technical standards or parts thereof derived from Directive (EU) 2019/882 the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the accessibility requirements of this Regulation in so far as those standards or parts thereof cover those requirements.

9. AI systems and use of thereof, which are in conformity with the technical specifications or parts thereof adopted for the Directive (EU) 2019/882 shall be presumed to be in conformity with the accessibility requirements of this Regulation in so far as those technical specifications or parts thereof cover those requirements.

Or. en

Amendment 1408
Geoffroy Didier

Proposal for a regulation
Title III

Text proposed by the Commission

Amendment

HIGH-RISK AI SYSTEMS

HIGH-RISK ***USES OF*** AI SYSTEMS

Or. en

Amendment 1409

Geoffroy Didier

Proposal for a regulation

Title III – Chapter 1 – title

Text proposed by the Commission

Amendment

1 CLASSIFICATION OF AI
SYSTEMS AS ***HIGH-RISK***

1 CLASSIFICATION OF AI
SYSTEMS AS ***WITH HIGH-RISK USES***

Or. en

Amendment 1410

Kim Van Sparrentak, Sergey Lagodinsky

on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 6 – title

Text proposed by the Commission

Amendment

Classification rules for high-risk AI
systems

Or. en

Amendment 1411

Geoffroy Didier

Proposal for a regulation

Article 6 – title

Text proposed by the Commission

Amendment

Classification rules for high-risk AI
systems

Classification rules for high-risk ***uses of*** AI
systems

Amendment 1412

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

Proposal for a regulation

Article 6 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. The AI system shall be considered high-risk where it meets the following two cumulative criteria: ☐

(a) the AI system is used or applied in a sector where, given the characteristics of the activities typically undertaken, significant risks of harm to the health and safety or a risk of adverse impact on fundamental rights of users, as outlined in Article 7(2) can be expected to occur.

(b) the AI system application in the sector in question is used in such a manner that significant risks of harm to the health and safety or a risk of adverse impact on fundamental rights of users, as outlined in Article 7(2) are likely to arise.

Or. en

Amendment 1413

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

Proposal for a regulation

Article 6 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. AI systems referred to in Annex III shall be considered high-risk for the purposes of this Regulation.

Or. en

Amendment 1414

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

1. *Irrespective of whether* an AI system *is placed on the market or put into service independently from the products referred to in points (a) and (b), that AI system* shall be considered *high-risk where both of the following conditions are fulfilled:*

Amendment

1. An AI system *that is itself a product* shall be considered *as high risk AI system if, under the applicable Union harmonisation legislation listed in Annex II, it is classified as high-risk AI system or an equivalent thereof and has to undergo a third-party conformity assessment for meeting essential safety requirements prior to placing it on the market or putting it into service.*

An AI system intended to be used as a core and essential safety component of a product under the applicable Union harmonisation legislation listed in Annex II, shall be considered as high risk if such Union harmonisation legislation classifies it as high-risk or an equivalent thereof and requires it to undergo a third-party conformity assessment for meeting essential safety requirements with a view to placing it on the market or putting it into service.

The high-risk classification set in paragraph 1 shall not impact or determine the outcome of other risk classification procedures established in Union harmonisation legislation listed in Annex II

Or. en

Amendment 1415

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

Proposal for a regulation

Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

1. Irrespective of whether an AI system is placed on the market or put into service independently from the products referred to in **points (a) and (b)**, that AI system shall be considered high-risk where **both of the following conditions are fulfilled**:

Amendment

1. Irrespective of whether an AI system is placed on the market or put into service independently from the products referred to in **point (a)**, that AI system shall be considered high-risk where:

Or. en

Amendment 1416

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

Proposal for a regulation

Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

1. Irrespective of whether an AI system is placed on the market or put into service independently from the products referred to in points (a) and (b), that AI system shall be considered high-risk where **both** of the following conditions are fulfilled:

Amendment

1. Irrespective of whether an AI system is placed on the market or put into service independently from the products referred to in points (a) and (b), that AI system shall be considered high-risk where **one** of the following conditions are fulfilled:

Or. en

Amendment 1417

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) the AI system is intended to be used as a safety component of a product, or is itself a product, covered by the Union harmonisation legislation listed in Annex II;

Amendment

deleted

Amendment 1418

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

Proposal for a regulation

Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) the AI system is intended to be used as a safety component of a product, or is itself a product, **covered by** the Union harmonisation legislation listed in Annex II;

Amendment

(a) the AI system is intended to be used as a safety component of a product, or is itself a product ***or it is required to undergo a third-party conformity assessment with a view to the placing on the market or putting into service of that product pursuant to*** the Union harmonisation legislation listed in Annex II;

Amendment 1419

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

Proposal for a regulation

Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) the AI system is intended to be used as a safety component of a product, or is itself a product, covered by the Union harmonisation legislation listed in Annex II;

Amendment

(a) the AI system ***has a self-evolving behaviour, the failure of which results in an immediate hazardous condition in a specific domain, and*** is intended to be used as a safety component of a product, or is itself a product, covered by the Union harmonisation legislation listed in Annex II;

Amendment 1420

Proposal for a regulation

Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) the AI system is intended to be used as a safety component of a product, or is itself a product, covered by the Union harmonisation legislation listed in Annex II;

Amendment

(a) the AI system is intended to be ***used or reasonably foreseeable*** used as a safety component of a product, or is itself a product, covered by the Union harmonisation legislation listed in Annex II;

Or. en

Amendment 1421

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

Proposal for a regulation

Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) the AI system is intended to be used as a ***safety*** component of a product, or is itself a product, ***covered by the Union harmonisation legislation listed in Annex II***;

Amendment

(a) the AI system is intended to be used as a component of a product, or is itself a product, ***the failure or malfunctioning of which endangers the health, safety or fundamental rights of persons***;

Or. en

Amendment 1422

Andrea Caroppo, Salvatore De Meo

Proposal for a regulation

Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) the AI system is intended to be used as a safety component of a product, or is itself a product, covered by the Union harmonisation legislation listed in Annex II;

Amendment

(a) the AI system is intended to be used as a safety component of a product, or is itself a product ***involving significant risks***, covered by the Union harmonisation legislation listed in Annex II;

Amendment 1423

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

Proposal for a regulation

Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) the AI system is intended to be used as a safety component of a product, or is itself a product, covered by the Union harmonisation legislation listed in Annex II;

Amendment

(a) the AI system is intended to be used as a **main** safety component of a product, or is itself a product, covered by the Union harmonisation legislation listed in Annex II;

Or. en

Amendment 1424

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

Proposal for a regulation

Article 6 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) its uses are undetermined or indeterminate;

Or. en

Amendment 1425

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

Proposal for a regulation

Article 6 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(a b) in the course of the self-assessment pursuant to Article 6 a of this Regulation, the AI system or its operation is found to result in a high risk to the rights and freedoms of natural persons; or

Or. en

Amendment 1426

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

Proposal for a regulation

Article 6 – paragraph 1 – point a c (new)

Text proposed by the Commission

Amendment

(a c) it is listed in Annex III.

Or. en

Amendment 1427

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

Proposal for a regulation

Article 6 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the product whose safety component is the AI system, or the AI system itself as a product, is required to undergo a third-party conformity assessment with a view to the placing on the market or putting into service of that product pursuant to the Union harmonisation legislation listed in Annex II.

deleted

Or. en

Moved up

Amendment 1428

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 6 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the product whose safety component is the AI system, or the AI system itself as a product, is required to undergo a third-party conformity assessment with a view to the placing on the market or putting into service of that product pursuant to the Union harmonisation legislation listed in Annex II.

deleted

Or. en

Amendment 1429

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

Proposal for a regulation

Article 6 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the product whose safety component is the AI system, or the AI system itself as a product, is required to undergo a third-party conformity assessment with a view to the placing on the market or putting into service of that product pursuant to the Union harmonisation legislation listed in Annex II.

(b) the product whose *main* safety component is the AI system, or the AI system itself as a product, is required to undergo a third-party conformity assessment *in order to ensure compliance with essential safety requirements* with a view to the placing on the market or putting into service of that product pursuant to the Union harmonisation legislation listed in Annex II.

Or. en

Amendment 1430

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

Proposal for a regulation

Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) the product whose safety component is the AI system, or the AI system itself as a product, is required to undergo a third-party conformity assessment with a view to the placing on the market or putting into service of that product pursuant to the Union harmonisation legislation listed in Annex II.

Amendment

(b) the product whose safety component ***as meant under (a)*** is the AI system, or the AI system itself as a product, is required to undergo a third-party conformity assessment with a view to the placing on the market or putting into service ***or use*** of that product pursuant to the Union harmonisation legislation listed in Annex II.

Or. en

Amendment 1431

Kosma Złotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) the product whose safety component is the AI system, or the AI system itself as a product, is required to undergo a third-party conformity assessment with a view to the placing on the market or putting into service of that product pursuant to the Union harmonisation legislation listed in Annex II.

Amendment

(b) the product whose safety component is the AI system, or the AI system itself as a product, is required to undergo a third-party conformity assessment ***related to safety*** with a view to the placing on the market or putting into service of that product pursuant to the Union harmonisation legislation listed in Annex II.

Or. en

Amendment 1432

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

Proposal for a regulation

Article 6 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the AI system is used by a public authority.

Or. en

Amendment 1433

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

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk.

deleted

Or. en

Justification

moved up as new paragraph 1.

Amendment 1434

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

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk.

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems identified as posing a risk to fundamental human rights as defined in the EU Charter of Fundamental Rights, in relation to a specific intended use shall also be considered high-risk. Such risk is to be determined by completion of a Human Rights Impact Assessment by the

user of the AI in relation to the specific use intended for the AI system, with records of such assessment retained for regulatory inspection.

The provider shall apply a precautionary principle and, in case of uncertainty over the AI system's classification, shall consider the AI system high-risk.

Or. en

Amendment 1435

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

Proposal for a regulation Article 6 – paragraph 2

Text proposed by the Commission

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk.

Amendment

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk, *with the exception of those AI systems that are not safety components of a product and that fulfil both of the following conditions:*

(a) they are not developed with and do not use biometric data, biometrics-based data, or personal data as inputs;

(b) they are not intended to influence decisions of natural persons or to make decisions or to assist in the making of decisions affecting natural persons.

Or. en

Amendment 1436

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation Article 6 – paragraph 2

Text proposed by the Commission

2. In addition to the high-risk AI systems referred to in paragraph 1, **AI systems** referred to in Annex III shall also be considered high-risk.

Amendment

2. In addition to the high-risk AI systems referred to in paragraph 1, ***each AI system with an intended purpose - as specified in its instruction to use in accordance with Art 3(12) and Art 13(2) - that means that it will be deployed in a way that falls under one of the critical use cases*** referred to in Annex III shall also be considered high-risk ***if that AI system will make a final decision that puts significantly at risk the health, safety or fundamental rights of natural persons.***

Or. en

Amendment 1437

Svenja Hahn, Nicola Beer, Morten Løkkegaard, Vlad-Marius Botoș, Samira Rafaela, Monica Semedo, Salima Yenbou, Moritz Körner, Jan-Christoph Oetjen

**Proposal for a regulation
Article 6 – paragraph 2**

Text proposed by the Commission

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems ***referred to in Annex III*** shall also be considered high-risk.

Amendment

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems shall also be considered high-risk ***in the meaning of this regulation, if they will be deployed in a critical area referred to in Annex III and an individual assessment of the specific application carried out in accordance with Art. 6a showed that a significant harm is likely to arise.***

Or. en

**Amendment 1438
Marion Walsmann**

**Proposal for a regulation
Article 6 – paragraph 2**

Text proposed by the Commission

Amendment

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk.

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk ***if they pose a risk of harm to the health and safety or a risk of adverse impact on fundamental rights.***

Or. en

Amendment 1439
Geoffroy Didier

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk.

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk, ***if they pose a risk of harm to either physical health and safety or fundamental human rights, or both.***

Or. en

Justification

It is important to clarify that the classification of high-risk, also for those uses listed in Annex III, is linked clearly to the risk of harm to physical health and safety or to fundamental rights. This could usefully restrict applications that could be considered high-risk.

Amendment 1440
Nathalie Colin-Oesterlé

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk ***if they pose a***

be considered high-risk.

threat to the health, safety or fundamental rights of persons.

Or. fr

Amendment 1441

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

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk.

Amendment

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk, ***if they pose a risk of harm to either physical health and safety or human rights, or both.***

Or. en

Amendment 1442

Andrea Caroppo, Salvatore De Meo

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk.

Amendment

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk ***when no internal risk-mitigation mechanisms embedded in the AI system apply.***

Or. en

Amendment 1443

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

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk.

Amendment

2. In addition to the high-risk AI systems referred to in paragraph 1 ***and in accordance with Article 6– paragraph -1a***, AI systems referred to in Annex III shall also be considered high-risk.

Or. en

Amendment 1444

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The classification as high-risk as a consequence of Article 6(1) and 6(2) shall be disregarded for AI systems whose intended purpose demonstrates that the generated output is a recommendation requiring a human intervention to convert this recommendation into a decision and for AI systems which do not lead to autonomous decisions or actions of the overall system.

Or. en

Amendment 1445

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The assessment by the provider of whether an AI system puts at risk the health, safety or fundamental rights of natural persons shall also take into account the factors enumerated in Article

7(2).

Or. en

Amendment 1446

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

Proposal for a regulation

Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The assessment referred to in paragraph 2 shall be conducted by the Commission annually and under the consultation conditions laid down in this regulation, notably in Article 73;

Or. en

Amendment 1447

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

Proposal for a regulation

Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. An artificial intelligence system with indeterminate uses shall also be considered high risk if so identified per Article 9, paragraph 2, point (a).

Or. en

Amendment 1448

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

Proposal for a regulation

Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk.*

Or. en

Amendment 1449

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

Proposal for a regulation
Article 6 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. *Where the Commission finds in the course of the assessment pursuant to paragraphs 1 and 2 that an AI system or an area of AI systems must be considered "high risk" or can not or no longer be considered "high risk", including due to improvements in technology or to social or legal safeguards put in place, it is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding or removing AI systems and areas of AI systems.*

Or. en

Amendment 1450

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

Proposal for a regulation
Article 6 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. *In addition to the high-risk AI systems referred to in paragraphs 1, AI systems that have over 20 million EU citizens across the EU or 50% of any*

given Member States' population as active monthly users, or whose users have cumulatively over 20 million customers or beneficiaries in the EU affected by it shall be considered high-risk, unless these are placed onto the market.

Or. en

Amendment 1451

Kosma Złotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 6 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. When assessing an AI system for the purposes of paragraph 1 of Article 6, a safety component shall be assessed against the essential health and safety requirements of the relevant EU harmonisation legislation listed in Annex II.

Or. en

Amendment 1452

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

Proposal for a regulation

Article 6 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. In addition to the high-risk AI systems referred to in paragraph 1 and paragraph 2, AI systems that create foreseeable high-risks when combined shall also be considered high-risk.

Or. en

Amendment 1453

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

Proposal for a regulation

Article 6 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2 c. In addition to the high-risk AI systems referred to in paragraph 1, AI systems affecting employees in the employment relationship or in matters of training or further education shall be considered high risk.

Or. en

Amendment 1454

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

Proposal for a regulation

Article 6 – paragraph 2 d (new)

Text proposed by the Commission

Amendment

2 d. In addition to the high-risk AI systems referred to in paragraph 1, AI systems likely to interact with children shall be considered high-risk.

Or. en

Amendment 1455

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

Proposal for a regulation

Article 6 – paragraph 2 e (new)

Text proposed by the Commission

Amendment

2 e. In addition to the high-risk AI systems referred to in paragraph 1, an artificial intelligence system with indeterminate uses shall also be considered high risk.

Amendment 1456

Svenja Hahn, Nicola Beer, Morten Løkkegaard, Vlad-Marius Botoș, Catharina Rinzema, Samira Rafaela, Monica Semedo, Salima Yenbou, Sophia in 't Veld, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6 a

Risk assessment

1. In order to determine the level of risk of AI systems, the provider of an AI system with an intended purpose in the areas referred to in Annex III has to conduct a risk assessment.

2. The risk assessment has to contain the following elements:

a) name all possible harms to life, health and safety or fundamental rights of potentially impacted persons or entities or society at large;

b) assesses the likelihood and severity these harms might materialise;

c) name the potential benefits of such system for the potentially impacted persons and society at large;

d) name possible and taken measures to address, prevent, minimise or mitigate the identified harms with a high probability to materialise;

e) assesses the possibilities to reverse these negative outcome;

f) the extent to which decision-making of the system is autonomous and outside of human influence.

3. If the risk assessment showed a significant harm is likely to materialise the provider has to comply with Chapter 2 in a way that is appropriate and

proportionate to the identified risks.

Or. en

Justification

To determine whether or not an AI system is to be considered high-risk, a use-case specific risk assessment that contains all relevant aspects should be conducted. An operation in one of the areas listed in Annex III alone is not sufficient to determine the risk level of an AI system. Only when the sector as well as the intended use of the AI system involves significant risks, the AI system shall be considered as high risk. The amendments to Art. 6 and the new Art. 6a make sure that only those AI systems are categorized as “high risk” that fulfil clear and transparent criteria.

Amendment 1457

Kim Van Sparrentak, Sergey Lagodinsky

on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6 a

Preliminary self-assessment

1. Before the conformity assessment procedure foreseen in Articles 43 for high-risk AI systems and 51a for other than high-risk AI system, the provider of the AI system shall carry out a preliminary self-assessment to determine whether:

(a) the intended purpose, potential use, or reasonably foreseeable misuse of the AI system constitute a prohibited practice pursuant to Article 5; or

(b) the AI system is classified as ‘high-risk’ pursuant to Article 6.

2. The provider of the AI system shall keep a detailed record, including all relevant documentation, of that self-assessment at the disposal of the national competent authorities during the lifespan of the AI system concerned.

3. Where the preliminary self-assessment indicates non-compliance of the AI system with this Regulation, in particular due to it falling within the scope of Article 5, the provider shall, without delay, take measures to ensure compliance of the concerned AI system with this Regulation, or immediately desist from placing it on the market.

Or. en

Amendment 1458
Sophia in 't Veld, Michal Šimečka

Proposal for a regulation
Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6 a

Risk assessment

The European Artificial Intelligence Board shall develop guidance for the risk assessment.

Or. en

Justification

This provision should be seen as an addition to the Renew Europe IMCO shadow's amendment on a risk assessment to determine the level of risk of AI systems.

Amendment 1459
Jörgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation
Article 7

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

To create legal certainty for AI developers, it is important that the high-risk areas of application are clearly laid down and cannot be changed quickly and dramatically by means of delegated acts. All additions to the list of high risk AI systems should be subject to Parliament's approval.

Amendment 1460

Jürgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled: **deleted**

(a) the AI systems are intended to be used in any of the areas listed in points 1 to 8 of Annex III;

(b) the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III.

Or. en

Justification

To create legal certainty for AI developers, it is important that the high-risk areas of application are clearly laid down and cannot be changed quickly and dramatically by means of delegated acts. All additions to the list of high risk AI systems should be subject to Parliament's approval.

Amendment 1461

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

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where ***both of*** the following ***conditions are*** fulfilled:

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where the following ***condition is*** fulfilled: ***the AI systems pose a risk of harm to health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity or probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact associated with the high-risk AI systems already referred to in Annex III. Where an AI system is not intended to be used in any of the areas listed in points 1 to 8 of Annex III, the Commission is empowered to update the list of areas in Annex III by including new areas or extending the scope of existing areas.***

Or. en

Amendment 1462

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

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update ***the list in*** Annex III by adding high-risk AI systems ***where both of the following conditions are*** fulfilled:

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update Annex III, ***including*** by adding ***new areas of high-risk AI systems, where a type of AI system poses a risk of harm to the health and safety, a risk of adverse impact on fundamental rights, on climate change mitigation and adaptation, the environment, or a risk of contravention of the Union values enshrined in Article 2 TEU, and that risk is, in respect of its severity and probability***

of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems in use in the areas listed in Annex III.

Or. en

Amendment 1463

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

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where **both** of the **following conditions are fulfilled**:

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update **or amend** the list in Annex III by adding **areas of** high-risk AI systems where **the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, a risk of breach of the Union values enshrined in Article 2 TEU or a risk of adverse impact on the society and the environment.**

Or. en

Amendment 1464

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

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled:

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled **and areas of high-risk systems that pose a risk**

of harm to health and safety, or a risk of adverse impact on fundamental rights, environment, society, rule of law or democracy, a risk of economic harm or to consumer protection that is, in respect of its severity or probability of occurrence;

Or. en

Amendment 1465

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

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where ***both of the following conditions are fulfilled:***

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list ***set out*** in Annex III by adding ***fields of*** high-risk AI systems where ***they present a risk of harm to health and safety or a risk of a negative impact on fundamental rights which, taking into account its severity and likelihood of occurrence, is equivalent to or higher than the risk of harm or negative impact of high-risk AI systems already listed in Annex III.***

Or. fr

Amendment 1466

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

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 73, ***after an adequate and***

adding **high-risk AI systems where** both of the following conditions **are** fulfilled:

transparent consultation process involving the relevant stakeholders, to update the list in Annex III by **withdrawing areas from that list or by adding critical areas**. **For additions** both of the following conditions **need to be** fulfilled:

Or. en

Amendment 1467

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled:

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 73, **after ensuring adequate consultation with relevant stakeholders**, to update the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled:

Or. en

Amendment 1468

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

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled:

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding **new area headings and** high-risk AI systems where both of the following conditions are fulfilled:

Or. en

Amendment 1469

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

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems ***where both of the following conditions are fulfilled:***

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems.

Or. en

Amendment 1470

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

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where ***both*** of the following conditions ***are*** fulfilled:

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where ***either*** of the following conditions ***is*** fulfilled:

Or. en

Amendment 1471

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

Proposal for a regulation

Article 7 – paragraph 1 – point a

Text proposed by the Commission

(a) ***the AI systems are intended to be used in any of the areas listed in points 1 to 8 of Annex III;***

Amendment

deleted

Or. fr

Justification

This qualification limits the areas in which an AI system is likely to present risks and should therefore be removed in order not to presume that new technologies will in the future pose risks in these areas only and not in others.

Amendment 1472

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

Proposal for a regulation

Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the AI systems are intended to be used in any of the areas listed in points 1 to 8 of Annex III; **deleted**

Or. en

Amendment 1473

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

Proposal for a regulation

Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the AI systems are intended to be used in any of the areas listed in points 1 to 8 of Annex III; **deleted**

Or. en

Amendment 1474

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

Proposal for a regulation

Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *the AI systems are intended to be used in any of the areas listed in points 1 to 8 of Annex III;* *deleted*

Or. en

Amendment 1475

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

Proposal for a regulation

Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *the AI systems are intended to be used in any of the areas listed in points 1 to 8 of Annex III;* *deleted*

Or. en

Amendment 1476

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

Proposal for a regulation

Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the AI systems are intended to be used in any of the areas listed in points 1 to 8 of Annex III;

(a) the AI systems are intended to be used in any of the areas listed in points 1 to 8 of Annex III *or in the newly identified area headings;*

Or. en

Amendment 1477

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

Proposal for a regulation

Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III. **deleted**

Or. fr

Justification

Since subparagraph (a) is deleted, the existence of a subparagraph (b) is no longer justified, and the text is directly incorporated into the body of the paragraph.

Amendment 1478

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

Proposal for a regulation

Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III. **deleted**

Or. en

Amendment 1479

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

Proposal for a regulation

Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III. *deleted*

Or. en

Amendment 1480

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

Proposal for a regulation

Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III. *deleted*

Or. en

Justification

Moved up in paragraph 1

Amendment 1481

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

Proposal for a regulation

Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III. *deleted*

Or. en

Amendment 1482

Kateřina Konečn, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 7 – paragraph 1 – point b

Text proposed by the Commission

(b) the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III.

Amendment

(b) the AI systems pose a risk of ***economic harm, negative societal impacts or*** harm to the ***environment***, health and safety, or a risk of adverse impact on fundamental rights, ***democracy and the rule of law***, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III.

Or. en

Amendment 1483

Kosma Złotowski, Patryk Jaki, Vincenzo Sofo, Adam Bielan

Proposal for a regulation

Article 7 – paragraph 1 – point b

Text proposed by the Commission

(b) the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed

Amendment

(b) the AI systems pose a risk of harm to the health, ***natural environment*** and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of

by the high-risk AI systems already referred to in Annex III.

harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III.

Or. en

Amendment 1484

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 7 – paragraph 1 – point b

Text proposed by the Commission

(b) the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact ***posed by the high-risk AI systems already referred to in Annex III.***

Amendment

(b) the AI systems pose a ***serious*** risk of harm to the health and safety, or a ***serious*** risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact.

Or. en

Amendment 1485

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

Proposal for a regulation

Article 7 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the AI systems pose a risk of harm to occupational health and safety, including psychosocial risks.

Or. en

Amendment 1486

Jürgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation

Article 7 – paragraph 2

2. *When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall take into account the following criteria:*
- (a) the intended purpose of the AI system;*
- (b) the extent to which an AI system has been used or is likely to be used;*
- (c) the extent to which the use of an AI system has already caused harm to the health and safety or adverse impact on the fundamental rights or has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or documented allegations submitted to national competent authorities;*
- (d) the potential extent of such harm or such adverse impact, in particular in terms of its intensity and its ability to affect a plurality of persons;*
- (e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced with an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;*
- (f) the extent to which potentially harmed or adversely impacted persons are in a vulnerable position in relation to the user of an AI system, in particular due to an imbalance of power, knowledge, economic or social circumstances, or age;*
- (g) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the health or safety of persons shall not be considered as easily*
- deleted*

reversible;

(h) the extent to which existing Union legislation provides for:

(i) effective measures of redress in relation to the risks posed by an AI system, with the exclusion of claims for damages;

(ii) effective measures to prevent or substantially minimise those risks.

Or. en

Justification

To create legal certainty for AI developers, it is important that the high-risk areas of application are clearly laid down and cannot be changed quickly and dramatically by means of delegated acts. All additions to the list of high risk AI systems should be subject to Parliament's approval.

Amendment 1487

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

Proposal for a regulation

Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. When assessing *for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III*, the Commission shall take into account the following criteria:

Amendment

2. When assessing an AI system *for the purposes of paragraph 1*, the Commission shall take into account the following criteria:

Or. fr

Amendment 1488

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando L            , Maria Grapini

Proposal for a regulation

Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. When assessing for the purposes of paragraph 1 ***whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III***, the Commission shall take into account the following criteria:

Amendment

2. When assessing for the purposes of paragraph 1, the Commission shall take into account the following criteria:

Or. en

Amendment 1489

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

Proposal for a regulation

Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. When assessing for the purposes of paragraph 1 ***whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III***, the Commission shall take into account the following criteria:

Amendment

2. When assessing for the purposes of paragraph 1 the Commission shall take into account the following ***non-cumulative*** criteria:

Or. en

Amendment 1490

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

Proposal for a regulation

Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall take into account the following criteria:

2. When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights ***or on the environment, democracy and rule of law*** that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall ***consult social partners and civil society and*** take into account, ***including but not limited to***, the following ***non-cumulative*** criteria:

Or. en

Amendment 1491
Sophia in 't Veld, Michal Šimečka

Proposal for a regulation
Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall take into account the following criteria:

Amendment

2. When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall take into account, ***including but not limited to***, the following criteria:

Or. en

Amendment 1492
Kosma Złotowski, Patryk Jaki, Vincenzo Sofo, Adam Bielan

Proposal for a regulation
Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. When assessing for the purposes of paragraph 1 whether an AI system poses a

Amendment

2. When assessing for the purposes of paragraph 1 whether an AI system poses a

risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall take into account the following criteria:

risk of harm to the health, ***natural environment*** and safety or a risk of adverse impact on fundamental rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall take into account the following criteria:

Or. en

Amendment 1493

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

Proposal for a regulation

Article 7 – paragraph 2 – point a

Text proposed by the Commission

(a) the intended purpose of the AI system;

Amendment

(a) ***a description of the AI system, including the intended purpose, the concrete use and context, complexity and autonomy of the AI system, the potential persons impacted, the extent to which the AI system has been used or is likely to be used, the extent to which any outcomes produced are subject to human review or intervention;***

Or. en

Amendment 1494

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

Proposal for a regulation

Article 7 – paragraph 2 – point a

Text proposed by the Commission

(a) the intended purpose of the AI system;

Amendment

(a) the intended purpose of the AI system, ***or the reasonably foreseeable consequences of its use;***

Or. en

Amendment 1495

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

Proposal for a regulation

Article 7 – paragraph 2 – point a

Text proposed by the Commission

(a) the intended purpose of the AI system;

Amendment

(a) the intended purpose of the AI system, ***potential use, or reasonably foreseeable misuse***;

Or. en

Amendment 1496

Sophia in 't Veld, Michal Šimečka

Proposal for a regulation

Article 7 – paragraph 2 – point a

Text proposed by the Commission

(a) the intended purpose of the AI system;

Amendment

(a) the intended purpose ***or the reasonably foreseeable use*** of the AI system;

Or. en

Justification

This amendment applies throughout the entire text. "or the reasonably foreseeable use" should be consistently added after "the intended purpose"

Amendment 1497

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 7 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(a a) the general capabilities and functionalities of the AI system

independent of its intended purpose;

Or. en

Amendment 1498

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

Proposal for a regulation

Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) *the extent to which an AI system has been used or is likely to be used;*

Amendment

(b) *an assessment of the potential benefits provided by the use of the AI system, as well as reticence risk and/or opportunity costs of not using the AI for individuals, groups of individuals, or society at large. This includes weighing the benefits of deploying the AI system against keeping the status quo;*

Or. en

Amendment 1499

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

Proposal for a regulation

Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) the extent to which an AI system has been used or is likely to be used;

Amendment

(b) the extent to which an AI system has been used or is likely to be used, *including its reasonably foreseeable misuse;*

Or. en

Amendment 1500

Vincenzo Sofo, Kosma Złotowski

Proposal for a regulation

Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) the extent to which an AI system has been used or is likely to be used;

Amendment

(b) the extent to which an AI system has been used or is likely to be used **and misused**;

Or. en

Amendment 1501

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 7 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the extent to which the AI system acts with a certain level of autonomy;

Or. en

Amendment 1502

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

Proposal for a regulation

Article 7 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the type and nature of the data processed and used by the AI system;

Or. en

Amendment 1503

Svenja Hahn, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Samira Rafaela, Monica Semedo, Salima Yenbou, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 7 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the extent to which the AI system acts autonomously;

Or. en

Amendment 1504

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

Proposal for a regulation

Article 7 – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(b b) the extent to which the AI system respects the principles of Article 4a;

Or. en

Amendment 1505

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

Proposal for a regulation

Article 7 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the extent to which the use of an AI system has already caused harm to the health and safety or *adverse impact on the* fundamental rights or has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or documented allegations submitted to national competent authorities;

(c) an assessment of the probability of worst-case scenario, likelihood and severity of harm, to the health and safety or fundamental rights of potentially impacted persons and its irreversibility, including:

(i) the extent to which the AI system has already been evaluated and proven to have caused material harm as demonstrated by studies or reports published by the national competent authorities;

(ii) the extent to which potentially impacted persons are dependent on the outcome produced from the AI system, in particular because of practical or legal reasons it is not reasonably possible to opt-out from that outcome;

(iii) the extent to which the outcome produced by the AI system is easily reversible;

(iv) the extent to which potentially impacted persons are in a vulnerable position in relation to the user of the AI system, in particular due to an imbalance of power, knowledge, economic or social circumstances, or age.

Or. en

Amendment 1506

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

Proposal for a regulation

Article 7 – paragraph 2 – point c

Text proposed by the Commission

(c) the extent to which the use of an AI system has already caused harm to the health and safety or adverse impact on the fundamental rights or has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or documented allegations submitted to national competent authorities;

Amendment

(c) the extent to which the use of an AI system has already caused harm to ***natural persons, has breached the Union values enshrined in Article 2 TEU, has caused harm to*** the health and safety or ***has had an*** adverse impact on the fundamental rights, ***on the environment or the society*** or has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or documented allegations submitted to ***the national supervisory authority, to the national competent authorities, to the Commission, to the Board, to the EDPS or to the European Union Agency for Fundamental Rights (FRA)***;

Or. en

Amendment 1507

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

Proposal for a regulation

Article 7 – paragraph 2 – point c

Text proposed by the Commission

(c) the extent to which the use of an AI system has already caused harm to the health and safety or adverse impact on the fundamental rights or has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or documented allegations submitted to national competent authorities;

Amendment

(c) the extent to which the use of an AI system has already caused harm to ***natural persons, has contravened the Union values enshrined in Article 2 TEU, has caused harm to*** the health and safety or ***has had an*** adverse impact on the fundamental rights, ***on the environment or society***, or has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or documented allegations submitted to national competent authorities, ***to the Commission, to the Board, to the EDPS or to the European Union Agency for Fundamental Rights (FRA)***;

Or. en

Amendment 1508

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

Proposal for a regulation

Article 7 – paragraph 2 – point c

Text proposed by the Commission

(c) the extent to which the use of an AI system has already caused harm to the health and safety or ***adverse impact on the*** fundamental rights or has given rise to ***significant*** concerns in relation to the ***materialisation*** of such harm or adverse impact, ***as demonstrated by reports or***

Amendment

(c) the extent to which the use of an AI system has already caused harm to the health and safety or ***adversely impacted*** fundamental rights, ***environment, society, rule of law or democracy, consumer protection or caused economic harm*** or has given rise to ***reasonable*** concerns in

documented allegations submitted to national competent authorities;

relation to the *likelihood* of such harm or adverse impact;

Or. en

Amendment 1509

Kosma Złotowski, Patryk Jaki, Vincenzo Sofo, Adam Bielan

Proposal for a regulation

Article 7 – paragraph 2 – point c

Text proposed by the Commission

(c) the extent to which the use of an AI system has already caused harm to the health and safety or adverse impact on the fundamental rights or has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or documented allegations submitted to national competent authorities;

Amendment

(c) the extent to which the use of an AI system has already caused harm to the health, *natural environment* and safety or adverse impact on the fundamental rights or has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or documented allegations submitted to national competent authorities;

Or. en

Amendment 1510

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

Proposal for a regulation

Article 7 – paragraph 2 – point c

Text proposed by the Commission

(c) the extent to which the use of an AI system has already caused harm to the health and safety or adverse impact on the fundamental rights *or* has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or documented allegations *submitted to national competent authorities*;

Amendment

(c) the extent to which the use of an AI system has already caused harm to the health and safety or adverse impact on the fundamental rights, *democracy, rule of law and the environment* has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by *available* reports or documented allegations;

Or. en

Amendment 1511

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

Proposal for a regulation

Article 7 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) the AI systems pose a risk of harm to occupational health and safety, including psychosocial risks and mental health;

Or. en

Amendment 1512

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

Proposal for a regulation

Article 7 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) the potential extent of such harm or such adverse impact, in particular in terms of its intensity and its ability to affect a plurality of persons;

(d) measures taken to address or mitigate the identified risks, including to the extent existing Union legislation provides for:

(i) effective measures of redress in relation to the risks posed by an AI system, with the exclusion of claims for damages;

(ii) effective measures to prevent or substantially minimise those risks.

Or. en

Amendment 1513

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

Proposal for a regulation

Article 7 – paragraph 2 – point d

Text proposed by the Commission

(d) the potential extent of such harm or such adverse impact, in particular in terms of its intensity and its ability to affect a plurality of persons;

Amendment

(d) the potential extent of such harm or such adverse impact, in particular in terms of its intensity and its ability to affect a plurality of persons ***or on the environment or to affect a particular group of persons disproportionately;***

Or. en

Amendment 1514

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

Proposal for a regulation

Article 7 – paragraph 2 – point d

Text proposed by the Commission

(d) the potential extent of such harm or such adverse impact, ***in particular in terms of its intensity and its ability to affect a plurality of persons;***

Amendment

(d) the potential extent of such harm or such adverse impact;

Or. en

Amendment 1515

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

Proposal for a regulation

Article 7 – paragraph 2 – point e

Text proposed by the Commission

(e) ***the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced with an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;***

Amendment

deleted

Amendment 1516

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 7 – paragraph 2 – point e

Text proposed by the Commission

(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced with an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;

Amendment

(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced with an AI system ***with a distinction to be made between an AI system used in an advisory capacity or one used directly to make a decision***, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;

Or. en

Amendment 1517

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Article 7 – paragraph 2 – point e

Text proposed by the Commission

(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced ***with*** an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out ***from*** that outcome;

Amendment

(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced ***by a process involving*** an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out ***of*** that outcome;

Or. en

Amendment 1518

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

Proposal for a regulation
Article 7 – paragraph 2 – point e

Text proposed by the Commission

(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced **with** an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;

Amendment

(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced **involving** an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;

Or. en

Amendment 1519
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 7 – paragraph 2 – point e

Text proposed by the Commission

(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced with an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;

Amendment

(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced with an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;

Or. en

Amendment 1520
Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Samira Rafaela, Monica Semedo, Salima Yenbou, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation
Article 7 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(e a) the potential misuse and malicious use of the AI system and of the technology underpinning it;

Or. en

Amendment 1521

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 7 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(e a) the potential misuse and malicious use of the AI system and of the technology underpinning it;

Or. en

Amendment 1522

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

Proposal for a regulation

Article 7 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) the extent to which potentially harmed or adversely impacted persons are in a vulnerable position in relation to the user of an AI system, in particular due to an imbalance of power, knowledge, economic or social circumstances, or age;

deleted

Or. en

Amendment 1523

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

Proposal for a regulation

Article 7 – paragraph 2 – point f

Text proposed by the Commission

(f) the extent to which potentially harmed or adversely impacted persons are in a vulnerable position in relation to the user of an AI system, in particular due to ***an imbalance of power***, knowledge, economic or social circumstances, or age;

Amendment

(f) the extent to which ***there is an imbalance of power, or the*** potentially harmed or adversely impacted persons are in a vulnerable position in relation to the user of an AI system, in particular due to ***status, authority***, knowledge, economic or social circumstances, or age;

Or. en

Amendment 1524

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

Proposal for a regulation

Article 7 – paragraph 2 – point g

Text proposed by the Commission

(g) ***the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the health or safety of persons shall not be considered as easily reversible;***

Amendment

deleted

Or. en

Amendment 1525

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

Proposal for a regulation

Article 7 – paragraph 2 – point g

Text proposed by the Commission

(g) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the health or safety of persons shall not be considered as easily reversible;

Amendment

(g) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the ***fundamental rights of persons, the environment or the society,***

the health or safety of persons, or on the Union values enshrined in Article 2 TEU, shall not be considered as easily reversible;

Or. en

Amendment 1526

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

Proposal for a regulation

Article 7 – paragraph 2 – point g

Text proposed by the Commission

(g) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the health or safety of persons shall not be considered as easily reversible;

Amendment

(g) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the health or safety of persons, ***the fundamental rights of persons, the environment or society, or on the Union values enshrined in Article 2 TEU*** shall not be considered as easily reversible;

Or. en

Amendment 1527

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

Proposal for a regulation

Article 7 – paragraph 2 – point g

Text proposed by the Commission

(g) the extent to which the outcome produced ***with*** an AI system is easily reversible, ***whereby*** outcomes having an impact on the health or safety of persons shall not be considered as easily reversible;

Amendment

(g) the extent to which the outcome produced ***involving*** an AI system is easily reversible ***and can effectively be appealed by AI subjects***. Outcomes having an impact on the ***fundamental rights or*** health or safety of persons shall not be considered as easily reversible;

Or. en

Amendment 1528

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

Proposal for a regulation

Article 7 – paragraph 2 – point g

Text proposed by the Commission

(g) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the health or safety of persons shall not be considered as easily reversible;

Amendment

(g) the extent to which the outcome produced with an AI system is **not** easily reversible, whereby outcomes having an impact on the health or safety of persons **or on their fundamental rights** shall not be considered as easily reversible;

Or. en

Amendment 1529

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 7 – paragraph 2 – point g

Text proposed by the Commission

(g) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the health or safety of persons shall not be considered as easily reversible;

Amendment

(g) the extent to which the outcome produced with an AI system is **not** easily reversible **or remedied**, whereby outcomes having an impact on the health or safety of persons shall not be considered as easily reversible;

Or. en

Amendment 1530

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 7 – paragraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(g a) the extent of the availability and use of demonstrated technical solutions and mechanisms for the control,

reliability and corrigibility of the AI system;

Or. en

Amendment 1531

Svenja Hahn, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Samira Rafaela, Monica Semedo, Salima Yenbou, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 7 – paragraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(g a) magnitude and likelihood of benefit of the deployment of the AI system for individuals, groups, or society at large;

Or. en

Amendment 1532

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 7 – paragraph 2 – point g b (new)

Text proposed by the Commission

Amendment

(g b) the extent of human oversight and the possibility for a human to intercede in order to override a decision or recommendations that may lead to potential harm;

Or. en

Amendment 1533

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 7 – paragraph 2 – point g c (new)

Text proposed by the Commission

Amendment

(g c) the magnitude and likelihood of benefit of the deployment of the AI system for industry, individuals, or society at large;

Or. en

Amendment 1534

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 7 – paragraph 2 – point g d (new)

Text proposed by the Commission

Amendment

(g d) the reticence risk and/or opportunity costs of not using the AI system for industry, individuals, or society at large;

Or. en

Amendment 1535

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 7 – paragraph 2 – point g e (new)

Text proposed by the Commission

Amendment

(g e) the amount and nature of data processed;

Or. en

Amendment 1536

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 7 – paragraph 2 – point g f (new)

(g f) the benefits provided by the use of the AI system, including making products safer;

Or. en

Amendment 1537

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

Proposal for a regulation

Article 7 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) the extent to which existing Union legislation provides for: **deleted**

(i) effective measures of redress in relation to the risks posed by an AI system, with the exclusion of claims for damages;

(ii) effective measures to prevent or substantially minimise those risks.

Or. en

Amendment 1538

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Samira Rafaela, Monica Semedo, Salima Yenbou, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 7 – paragraph 2 – point h – introductory part

Text proposed by the Commission

Amendment

(h) the extent to which existing Union legislation provides for:

(h) the extent to which existing Union legislation, *in particular the GDPR*, provides for:

Or. en

Amendment 1539
Axel Voss, Deirdre Clune

Proposal for a regulation
Article 7 – paragraph 2 – point h – introductory part

Text proposed by the Commission

Amendment

(h) the extent to which existing Union legislation provides for:

(h) the extent to which existing Union legislation, ***in particular GDPR***, provides for:

Or. en

Amendment 1540
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 7 – paragraph 2 – point h – introductory part

Text proposed by the Commission

Amendment

(h) the extent to which existing Union legislation ***provides for***:

(h) the extent to which existing Union legislation ***lacks***:

Or. en

Amendment 1541
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 7 – paragraph 2 – point h – point i

Text proposed by the Commission

Amendment

(i) effective measures of redress in relation to the risks posed by an AI system, ***with the exclusion of*** claims for damages;

(i) effective measures of redress, ***the availability of redress-by-design mechanisms and procedures*** in relation to the risks posed by an AI system, ***including*** claims for ***material and non-material*** damages;

Or. en

Amendment 1542

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

Proposal for a regulation

Article 7 – paragraph 2 – point h – point i

Text proposed by the Commission

(i) effective measures of redress in relation to the **risks posed** by an AI system, with the exclusion of claims for damages;

Amendment

(i) effective measures of redress in relation to the **damage caused** by an AI system, with the exclusion of claims for **direct or indirect** damages;

Or. en

Amendment 1543

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

Proposal for a regulation

Article 7 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

(h a) The general capabilities and functionalities of the AI system independent of its foreseeable use;

Or. en

Amendment 1544

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

Proposal for a regulation

Article 7 – paragraph 2 – point h b (new)

Text proposed by the Commission

Amendment

(h b) The extent of the availability and use of demonstrated technical solutions and mechanisms for the control, reliability and corrigibility of the AI system;

Or. en

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

Article 7 – paragraph 2 – point h c (new)

Amendment

(h c) The potential misuse and malicious use of the AI system and of the technology underpinning it.

Or. en

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

Article 7 – paragraph 2 a (new)

Amendment

2a. When assessing an AI system for the purposes of paragraph 1, the Commission shall consult, where appropriate, national and European authorities and bodies, representatives of the groups concerned by that system, industry professionals, independent experts and civil society organisations. The Commission shall organise public consultations in this regard.

Or. fr

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

Article 7 – paragraph 2 a (new)

Amendment

2 a. When carrying out the assessment referred to in paragraph 1 the Commission shall consult, where relevant, representatives of groups on which an AI system has an impact, stakeholders, independent experts and civil society organisations. The Commission shall organise public consultations in this regard.

Or. en

Amendment 1548

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Commission may remove AI systems from the list in Annex III if the conditions referred to in paragraph 1 are no longer met.

Or. en

Amendment 1549

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

Proposal for a regulation

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Commission shall provide a transitional period of at least 24 months following each update of Annex III.

Or. en

Amendment 1550

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 7 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. The Board, notified bodies and other actors may request the Commission to reassess an AI system. The AI system shall then be reviewed for reassessment and may be re-categorized. The Commission shall give reasons for its decision and publish the reasons. The details of the application procedure shall be laid down by the Commission by means of delegated acts in accordance with Article 73.

Or. en

Amendment 1551

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

Proposal for a regulation
Article 7 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The Commission shall publish a detailed report on the assessment referred to in paragraph 2.

Or. fr

Amendment 1552

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

Proposal for a regulation
Article 7 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. The Commission shall consult the Board before adopting delegated acts

pursuant to paragraph 1.

Or. fr

Amendment 1553

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

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. High-risk AI systems shall comply with the requirements established in this Chapter.

Amendment

1. High-risk AI systems shall comply with the requirements established in this Chapter *throughout the entire lifecycle of the AI system. This includes their placing on the market as well as their deployment and use. Providers and deployers of AI systems shall ensure compliance by establishing technical and operational measures in line with this Chapter.*

Or. en

Amendment 1554

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

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. High-risk AI systems shall comply with the requirements established in this Chapter.

Amendment

1. High-risk AI systems shall comply with the requirements established in this Chapter, *taking into account the generally acknowledged state of the art and industry standards, including as reflected in relevant harmonised standards or common specifications.*

Or. en

Amendment 1555

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

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. High-risk AI systems shall comply with the requirements established in this Chapter.

Amendment

1. High-risk AI systems shall comply with the requirements established in this Chapter, ***taking into account the generally acknowledged state of the art, including as reflected in relevant harmonised standards or common specifications.***

Or. en

Amendment 1556

Geoffroy Didier

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. High-risk AI systems shall comply with the requirements established in this Chapter.

Amendment

1. High-risk AI systems shall comply with the requirements established in this Chapter, ***taking into account the generally acknowledged state of the art and industry standards, including as reflected in relevant harmonised standards or common specifications.***

Or. en

Justification

The above language has been suggested by the French Presidency and would better reflect the constant development of best practices and industry standards in the field of AI.

Moreover, it is important to clarify that the compliance with the requirements of the Draft Regulation should build upon the risk-based approach of the proposal itself, therefore the compliance obligations and risk assessment should be modulated on the basis of the specific high-risk AI use case and risk posed.

Amendment 1557

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. High-risk AI systems shall comply with the requirements established in this Chapter.

Amendment

1. High-risk AI systems shall comply with the ***essential*** requirements established in this Chapter, ***taking into account the generally acknowledged state of the art, including as reflected in relevant industry and harmonised standards.***

Or. en

Amendment 1558

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

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. High-risk AI systems shall comply with the requirements established in this Chapter.

Amendment

1. ***1. Operators of*** high-risk AI systems shall comply with the requirements established in this Chapter.

Or. en

Amendment 1559

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

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. In complying with the requirements established in this Chapter, operators of high-risk AI systems shall take into account the generally-

acknowledged state of the art, including as reflected in the relevant harmonised standards and common specifications referenced in Articles 40 and 41.

Or. en

Amendment 1560

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

Proposal for a regulation

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Where a deployer discovers non-compliance of a high-risk AI system with this regulation during reasonably foreseeable use, the deployer shall have the right to obtain the necessary modifications from the provider to the high-risk AI system.

Or. en

Amendment 1561

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

Proposal for a regulation

Article 8 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. Prospective deployers of high-risk AI systems shall have certified third parties assess and confirm the conformity of the AI system and its use with this Regulation and relevant applicable Union legislation before putting it into use. The conformity certificate shall be uploaded to the database pursuant to Article 60.

Or. en

Amendment 1562

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

Proposal for a regulation

Article 8 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1 c. Where personal data is processed or is expected to be processed in the use of a high-risk AI system, this shall be understood as constituting a high risk in the meaning of Article 35 of Regulation (EU) 2016/679.

Or. en

Amendment 1563

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

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. The intended purpose of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.

2. The intended purpose of the high-risk AI system, **the foreseeable uses and foreseeable misuses of AI systems with indeterminate uses** and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.

Or. en

Amendment 1564

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

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. The *intended purpose* of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.

2. The *foreseeable uses and foreseeable misuses of AI systems with indeterminate uses* of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.

Or. en

Amendment 1565

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

Proposal for a regulation Article 8 – paragraph 2

Text proposed by the Commission

2. The intended purpose of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.

Amendment

2. The intended purpose, *the potential or reasonably foreseeable use or misuse* of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.

Or. en

Amendment 1566

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

Proposal for a regulation Article 8 – paragraph 2

Text proposed by the Commission

2. The intended purpose of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.

Amendment

2. The intended purpose, *reasonably foreseeable uses and foreseeable misuses* of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.

Or. en

Amendment 1567

Geoffroy Didier

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. The intended purpose of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with **those** requirements.

Amendment

2. The intended purpose of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with **the relevant** requirements **depending on the type of risks posed**.

Or. en

Justification

The above language has been suggested by the French Presidency and would better reflect the constant development of best practices and industry standards in the field of AI. Moreover, it is important to clarify that the compliance with the requirements of the Draft Regulation should build upon the risk-based approach of the proposal itself, therefore the compliance obligations and risk assessment should be modulated on the basis of the specific high-risk AI use case and risk posed.

Amendment 1568

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

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. The intended purpose of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.

Amendment

2. The intended purpose **or reasonably foreseeable use** of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.

Or. en

Amendment 1569

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *AI systems referred to in Article 6 may be wholly or partially exempted from fulfilling the requirements referred to in Articles 8-15 if risks posed by the AI systems are sufficiently eliminated or mitigated through appropriate operational countermeasures or built-in fail-safe systems.*

Or. en

Amendment 1570
Andrea Caroppo, Salvatore De Meo

Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *This article shall not apply where the content forms part of an evidently artistic, creative, satirical, fictional or analogous work or programme.*

Or. en

Amendment 1571
Morten Løkkegaard

Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *This article shall not apply where the content forms part of an evidently artistic, creative, satirical, fictional and analogous work or programme.*

Or. en

Amendment 1572

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

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems.

Amendment

1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems. ***The risk management system can be integrated into, or a part of, already existing risk management procedures insofar as it fulfils the requirements of this article.***

Or. en

Amendment 1573

Jörgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems.

Amendment

1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems, ***unless the AI system is covered by New Legislative Framework (NLF) legislation.***

Or. en

Amendment 1574

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems.

Amendment

1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems ***if this system poses a risk of harm to health and safety or a risk of adverse impacts on fundamental rights.***

Or. en

Amendment 1575

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

**Proposal for a regulation
Article 9 – paragraph 1**

Text proposed by the Commission

1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems.

Amendment

1. A risk management system shall be established, implemented, documented and maintained in ***appropriate*** relation to high-risk AI systems ***and its risks identified in the risk assessment referred to in Art. 6a.***

Or. en

Amendment 1576

Marion Walsmann

**Proposal for a regulation
Article 9 – paragraph 1**

Text proposed by the Commission

1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems.

Amendment

1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems ***or be included in existing risk management procedures.***

Or. en

Amendment 1577

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

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems.

Amendment

1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems, ***throughout the entire lifecycle of the AI system.***

Or. en

Amendment 1578

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

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems.

Amendment

1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems ***throughout the entire lifecycle of the AI system.***

Or. en

Amendment 1579

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 9 – paragraph 2 – introductory part

Text proposed by the Commission

2. The risk management system shall consist of a continuous iterative process run throughout the entire ***lifecycle*** of a high-risk AI system, requiring regular ***systematic updating***. It shall comprise the

Amendment

2. The risk management system shall consist of a continuous iterative process run throughout the entire ***lifetime*** of a high-risk AI system, requiring regular ***review of the suitability of the risk management***

following steps:

*process to ensure its continuing effectiveness, and documentation of any decisions and actions taken. It shall comprise the following steps **and all of these steps shall be integrated into already existing risk management procedures relating to the relevant Union sectoral legislation to avoid unnecessary bureaucracy:***

Or. en

Amendment 1580

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

Proposal for a regulation

Article 9 – paragraph 2 – introductory part

Text proposed by the Commission

2. The risk management system shall consist of a continuous iterative process run throughout the entire lifecycle of a high-risk AI system, requiring regular systematic updating. It shall comprise the following steps:

Amendment

2. The risk management system shall consist of a continuous iterative process run throughout the entire lifecycle of a high-risk AI system, requiring regular systematic ***review and*** updating, ***including when the high-risk AI system is subject to significant changes in its design or purpose.*** It shall comprise the following steps:

Or. en