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## TEXTS ADOPTED

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### **P9\_TA(2024)0138**

#### **Artificial Intelligence Act**

**European Parliament legislative resolution of 13 March 2024 on the proposal for a regulation of the European Parliament and of the Council on laying down harmonised rules on Artificial Intelligence (Artificial Intelligence Act) and amending certain Union Legislative Acts (COM(2021)0206 – C9-0146/2021 – 2021/0106(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0206),
- having regard to Article 294(2) and Articles 16 and 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0146/2021),
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- having regard to the opinion of the European Central Bank of 29 December 2021<sup>1</sup>,
- having regard to the opinion of the European Economic and Social Committee of 22 September 2021<sup>2</sup>,
- having regard to the provisional agreement approved by the committees responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 2 February 2024 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
- having regard to Rule 59 of its Rules of Procedure,
- having regard to the joint deliberations of the Committee on Internal Market and Consumer Protection and the Committee on Civil Liberties, Justice and Home Affairs under Rule 58 of the Rules of Procedure,
- having regard to the opinion of the Committee on Industry, Research and Energy, the Committee on Culture and Education, the Committee on Legal Affairs, the Committee

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<sup>1</sup> OJ C 115, 11.3.2022, p. 5.

<sup>2</sup> OJ C 517, 22.12.2021, p. 56.

on the Environment, Public Health and Food Safety and the Committee on Transport and Tourism,

- having regard to the report of the Committee on Internal Market and Consumer Protection and the Committee on Civil Liberties, Justice and Home Affairs (A9-0188/2023),
1. Adopts its position at first reading hereinafter set out<sup>3</sup>;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>3</sup> This position replaces the amendments adopted on 14 June 2023 (Texts adopted, P9\_TA(2023)0236.

**Position of the European Parliament adopted at first reading on 13 March 2024 with a view to the adoption of Regulation (EU) 2024/... of the European Parliament and of the Council laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act)\***

**(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 16 and 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

***Having regard to the opinion of the European Central Bank<sup>2</sup>,***

Having regard to the opinion of the Committee of the Regions<sup>3</sup>,

Acting in accordance with the ordinary legislative procedure<sup>4</sup>,

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\* TEXT HAS NOT YET UNDERGONE LEGAL-LINGUISTIC FINALISATION.

<sup>1</sup> OJ C 517, 22.12.2021, p. 56.

<sup>2</sup> ***OJ C 115, 11.3.2022, p. 5.***

<sup>3</sup> OJ C 97, 28.2.2022, p. 60.

<sup>4</sup> Position of the European Parliament of 13 March 2024.

Whereas:

- (1) The purpose of this Regulation is to improve the functioning of the internal market by laying down a uniform legal framework in particular for the development, the *placing on the market, the putting into service and the* use of artificial intelligence *systems* (AI systems) *in the Union*, in accordance with Union values, *to promote the uptake of human centric and trustworthy artificial intelligence (AI) while ensuring* a high level of protection of health, safety, fundamental rights as *enshrined in the Charter of fundamental rights of the European Union (the ‘Charter’)*, *including democracy, the rule of law and environmental protection, against the harmful effects of AI systems in the Union, and to support innovation. This Regulation* ensures the free movement, cross-border, of AI-based goods and services, thus preventing Member States from imposing restrictions on the development, marketing and use of *AI systems*, unless explicitly authorised by this Regulation.
- (2) *This Regulation should be applied in accordance with the values of the Union enshrined as in the Charter, facilitating the protection of natural persons, undertakings, democracy, the rule of law and environmental protection, while boosting innovation and employment and making the Union a leader in the uptake of trustworthy AI.*

- (3) ■ AI systems ■ can be easily deployed in a large variety of sectors of the economy and many parts of society, including across borders, and can easily circulate throughout the Union. Certain Member States have already explored the adoption of national rules to ensure that AI is **trustworthy and** safe and is developed and used in accordance with fundamental rights obligations. Diverging national rules may lead to the fragmentation of the internal market and may decrease legal certainty for operators that develop, **import** or use AI systems. A consistent and high level of protection throughout the Union should therefore be ensured **in order to achieve trustworthy AI**, while divergences hampering the free circulation, **innovation, deployment and the uptake** of AI systems and related products and services within the internal market should be prevented by laying down uniform obligations for operators and guaranteeing the uniform protection of overriding reasons of public interest and of rights of persons throughout the internal market on the basis of Article 114 of the Treaty on the Functioning of the European Union (TFEU). To the extent that this Regulation contains specific rules on the protection of individuals with regard to the processing of personal data concerning restrictions of the use of AI systems for remote biometric identification **for the purpose of law enforcement, of the use of AI systems for risk assessments of natural persons for the purpose of law enforcement and of the use of AI systems of biometric categorisation** for the purpose of law enforcement, it is appropriate to base this Regulation, in so far as those specific rules are concerned, on Article 16 TFEU. In light of those specific rules and the recourse to Article 16 TFEU, it is appropriate to consult the European Data Protection Board.

- (4) AI is a fast evolving family of technologies that ***contributes*** to a wide array of economic, ***environmental*** and societal benefits across the entire spectrum of industries and social activities. By improving prediction, optimising operations and resource allocation, and personalising digital solutions available for individuals and organisations, the use of AI can provide key competitive advantages to undertakings and support socially and environmentally beneficial outcomes, for example in healthcare, agriculture, ***food safety***, education and training, ***media, sports, culture***, infrastructure management, energy, transport and logistics, public services, security, justice, resource and energy efficiency, ***environmental monitoring, the conservation and restoration of biodiversity and ecosystems*** and climate change mitigation and adaptation.
- (5) At the same time, depending on the circumstances regarding its specific application, ***use, and level of technological development***, AI may generate risks and cause harm to public interests and ***fundamental*** rights that are protected by Union law. Such harm might be material or immaterial, ***including physical, psychological, societal or economic harm***.

- (6) *Given the major impact that AI can have on society and the need to build trust, it is vital for AI and its regulatory framework to be developed in accordance with Union values as enshrined in Article 2 of the Treaty on European Union (TEU), the fundamental rights and freedoms enshrined in the Treaties and, pursuant to Article 6 TEU, the Charter. As a pre-requisite, AI should be a human-centric technology. It should serve as a tool for people, with the ultimate aim of increasing human well-being.*
- (7) *In order to ensure a consistent and high level of protection of public interests as regards health, safety and fundamental rights, common rules for high-risk AI systems should be established. Those rules should be consistent with the Charter, non-discriminatory and in line with the Union's international trade commitments. They should also take into account the European Declaration on Digital Rights and Principles for the Digital Decade and the Ethics guidelines for trustworthy AI of the High-Level Expert Group on Artificial Intelligence (AI HLEG).*

- (8) A Union legal framework laying down harmonised rules on AI is therefore needed to foster the development, use and uptake of AI in the internal market that at the same time meets a high level of protection of public interests, such as health and safety and the protection of fundamental rights, ***including democracy, the rule of law and environmental protection*** as recognised and protected by Union law. To achieve that objective, rules regulating the placing on the market, the putting into service ***and the use*** of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. ***Those rules should be clear and robust in protecting fundamental rights, supportive of new innovative solutions, enabling a European ecosystem of public and private actors creating AI systems in line with Union values and unlocking the potential of the digital transformation across all regions of the Union.*** By laying down those rules ***as well as measures in support of innovation with a particular focus on small and medium enterprises (SMEs), including startups***, this Regulation supports the objective of ***promoting the European human-centric approach to AI and*** being a global leader in the development of secure, trustworthy and ethical AI ■ as stated by the European Council<sup>5</sup>, and it ensures the protection of ethical principles, as specifically requested by ***the*** European Parliament<sup>6</sup>.

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<sup>5</sup> European Council, Special meeting of the European Council (1 and 2 October 2020) – Conclusions, EUCO 13/20, 2020, p. 6.

<sup>6</sup> European Parliament resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies, 2020/2012(INL).



- (9) Harmonised rules applicable to the placing on the market, the putting into service and the use of high-risk AI systems should be laid down consistently with Regulation (EC) No 765/2008 of the European Parliament and of the Council<sup>7</sup>, Decision No 768/2008/EC of the European Parliament and of the Council<sup>8</sup> and Regulation (EU) 2019/1020 of the European Parliament and of the Council<sup>9</sup> ('New Legislative Framework'). ***The harmonised rules laid down in this Regulation should apply across sectors and, in line with the New Legislative Framework, should be without prejudice to existing Union law, in particular on data protection, consumer protection, fundamental rights, employment, and protection of workers, and product safety, to which this Regulation is complementary.***

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<sup>7</sup> Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

<sup>8</sup> Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, p. 82).

<sup>9</sup> Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (Text with EEA relevance) (OJ L 169, 25.6.2019, p. 1–44).

*As a consequence all rights and remedies provided for by such Union law to consumers, and other persons on whom AI systems may have a negative impact, including as regards the compensation of possible damages pursuant to Council Directive 85/374/EEC<sup>10</sup> remain unaffected and fully applicable. Furthermore, in the context of employment and protection of workers, this Regulation should therefore not affect Union law on social policy and national labour law, in accordance with Union law, concerning employment and working conditions, including health and safety at work and the relationship between employers and workers. This Regulation should also not affect the exercise of fundamental rights as recognised in the Member States and at Union level, including the right or freedom to strike or to take other action covered by the specific industrial relations systems in Member States as well as the right to negotiate, to conclude and enforce collective agreements or to take collective action in accordance with national law.*

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Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products (OJ L 210, 7.8.1985, p. 29).