



**2021/0106(COD)**

1.4.2022

# **AMENDMENTS**

## **54 - 270**

**Draft opinion**

**Marcel Kolaja**

(PE719.637v01-00)

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 54**  
**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

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

*Amendment*

(1) The purpose of this Regulation is to improve the functioning of the internal market by laying down a uniform legal framework in particular for the development, marketing and use of artificial intelligence in conformity with Union values ***without hampering innovation, deployment and uptake of Artificial Intelligence and the beneficial contributions the technology can bring to individuals, businesses as well as society and economy at large.*** This Regulation pursues a number of overriding reasons of public interest, such as a high level of protection of health, safety and fundamental rights, and it ensures the free movement of AI-based goods and services cross-border, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems, unless explicitly authorised by this Regulation.

Or. en

**Amendment 55**  
**Vlad-Marius Botoș, Irena Joveva, Morten Løkkegaard**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

(1) The purpose of this Regulation is to improve the functioning of the internal market by laying down a uniform legal framework in particular for the development, marketing and use of artificial intelligence in conformity with

*Amendment*

(1) The purpose of this Regulation is to improve the functioning of the internal market by laying down a uniform legal framework in particular for the development, marketing and use of artificial intelligence in conformity with

Union values. This Regulation pursues a number of overriding reasons of public interest, such as a high level of protection of health, safety and fundamental rights, and it ensures the free movement of AI-based goods and services cross-border, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems, unless explicitly authorised by this Regulation.

Union values *without hindering the innovation and the evolution of Artificial Intelligence and the beneficial contributions it can bring to the society*. This Regulation pursues a number of overriding reasons of public interest, such as a high level of protection of health, safety and fundamental rights, and it ensures the free movement of AI-based goods and services cross-border, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems, unless explicitly authorised by this Regulation.

Or. en

## Amendment 56

Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa

### Proposal for a regulation

#### Recital 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 57**  
**Victor Negrescu**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 58**  
**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) Artificial intelligence systems (AI systems) can be easily deployed in multiple sectors of the economy and society, including cross border, and circulate throughout the Union. Certain Member States have already explored the adoption of national rules to ensure that artificial intelligence is safe and is developed and used in compliance with fundamental rights obligations. Differing national rules may lead to fragmentation of the internal

*Amendment*

(2) **(2)** Artificial intelligence systems (AI systems) can be easily deployed in multiple sectors of the economy and society, including cross border, and circulate throughout the Union. Certain Member States have already explored the adoption of national rules to ensure that artificial intelligence is ***trustworthy and*** safe and is developed and used in compliance with fundamental rights obligations. Differing national rules may

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

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

Or. en

## **Amendment 59**

**Dace Melbārde, Andrey Slabakov**

### **Proposal for a regulation**

#### **Recital 2**

*Text proposed by the Commission*

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

*Amendment*

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

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

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

Or. en

## **Amendment 60**

**Vlad-Marius Botoș, Irena Joveva, Morten Løkkegaard**

### **Proposal for a regulation**

#### **Recital 2**

*Text proposed by the Commission*

(2) Artificial intelligence systems (AI systems) can be easily deployed in multiple sectors of the economy and society,

*Amendment*

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

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

Or. en

**Amendment 61**  
**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

*Amendment*



(3) Artificial intelligence is a fast evolving family of technologies that can contribute to a wide array of economic 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 artificial intelligence can provide key competitive advantages to companies and support socially and environmentally beneficial outcomes, for example in healthcare, farming, education and training, infrastructure management, energy, transport and logistics, public services, security, justice, resource and energy efficiency, and climate change mitigation and adaptation.

(3) Artificial intelligence is a fast evolving family of technologies that can contribute ***and is already contributing*** to a wide array of economic and societal benefits across the entire spectrum of industries and social activities. By ***establishing an accommodative framework which entails*** improving prediction, optimising operations and resource allocation, and personalising digital solutions available for individuals and organisations, the use of artificial intelligence can provide key competitive advantages to companies and ***entire industries, and*** support socially and environmentally beneficial outcomes, for example in healthcare, farming, education and training, ***media, sports***, infrastructure management, energy, transport and logistics, public services, security, justice, resource and energy efficiency, and climate change mitigation and adaptation.

Or. en

## Amendment 62

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

### Proposal for a regulation

#### Recital 3

##### *Text proposed by the Commission*

(3) Artificial intelligence is a fast evolving family of technologies that can contribute to a wide array of economic 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 artificial intelligence can provide key competitive advantages to companies and support socially and environmentally beneficial outcomes, for example in healthcare, farming, education and training, infrastructure management, energy,

##### *Amendment*

(3) Artificial intelligence is a fast evolving family of technologies that can contribute to a wide array of economic and societal benefits across the entire spectrum of industries and social activities ***if developed in accordance with ethical principles***. By improving prediction, optimising operations and resource allocation, and personalising digital solutions available for individuals and organisations, the use of artificial intelligence can provide key competitive advantages to companies and support socially and environmentally beneficial outcomes, for example in healthcare,

transport and logistics, public services, security, justice, resource and energy efficiency, and climate change mitigation and adaptation.

farming, education and training, **culture**, infrastructure, management, energy, transport and logistics, public services, security, justice, resource and energy efficiency, and climate change mitigation and adaptation.

Or. en

### **Amendment 63**

**Vlad-Marius Botoș, Irena Joveva, Morten Løkkegaard**

#### **Proposal for a regulation**

##### **Recital 3**

*Text proposed by the Commission*

(3) Artificial intelligence is a fast evolving family of technologies that can contribute to a wide array of economic 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 artificial intelligence can provide key competitive advantages to companies and support socially and environmentally beneficial outcomes, for example in healthcare, farming, education and training, infrastructure management, energy, transport and logistics, public services, security, justice, resource and energy efficiency, and climate change mitigation and adaptation.

*Amendment*

(3) Artificial intelligence is a fast evolving family of technologies that can **and already** contribute to a wide array of economic 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 artificial intelligence can provide key competitive advantages to companies and support socially and environmentally beneficial outcomes, for example in healthcare, farming, education and training, **media and culture**, infrastructure management, energy, transport and logistics, public services, security, justice, resource and energy efficiency, and climate change mitigation and adaptation.

Or. en

### **Amendment 64**

**Loucas Fourlas, Iuliu Winkler, Sabine Verheyen, Theodoros Zagorakis, Michaela Šojdrová, Peter Pollák, Milan Zver**

#### **Proposal for a regulation**

##### **Recital 3**

*Text proposed by the Commission*

(3) Artificial intelligence is a fast evolving family of technologies that can contribute to a wide array of economic 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 artificial intelligence can provide key competitive advantages to companies and support socially and environmentally beneficial outcomes, for example in healthcare, farming, education and training, infrastructure management, energy, transport and logistics, public services, security, justice, resource and energy efficiency, and climate change mitigation and adaptation.

*Amendment*

(3) Artificial intelligence is a fast evolving family of technologies that can contribute to a wide array of economic 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 artificial intelligence can provide key competitive advantages to companies and support socially and environmentally beneficial outcomes, for example in healthcare, farming, education and training, **media, mobility**, infrastructure management, energy, transport and logistics, public services, security, justice, resource and energy efficiency, and climate change mitigation and adaptation.

Or. en

**Amendment 65**  
**Victor Negrescu**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

(3) Artificial intelligence is a fast evolving family of technologies that can contribute to a wide array of economic 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 artificial intelligence can provide key competitive advantages to companies and support socially and environmentally beneficial outcomes, for example in healthcare, farming, education and training, infrastructure management, energy,

*Amendment*

(3) Artificial intelligence is a fast evolving family of technologies that can contribute to a wide array of economic 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 artificial intelligence can provide key competitive advantages to companies and support socially and environmentally beneficial outcomes, for example in healthcare, farming, **culture**, education and training, infrastructure management,

transport and logistics, public services, security, justice, resource and energy efficiency, and climate change mitigation and adaptation.

energy, transport and logistics, public services, security, justice, resource and energy efficiency, and climate change mitigation and adaptation.

Or. en

**Amendment 66**  
**Alessandro Panza**

**Proposal for a regulation**  
**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) AI-based technologies are having a rapid and explosive impact on the world of work too. While they have the potential to create new opportunities for gender equality, they could equally increase gender stereotypes, sexism and discrimination in the labour market. It is becoming increasingly apparent that the automation of certain tasks will have a greater impact on female workers, as more women are employed to perform routine tasks. At the same time, AI could offer a great opportunity to reduce gender inequality, but only if gender-responsive policy regulations are adopted which promote equal representation of men and women in decision-making. Support from the European institutions and the Member States for an approach aimed at encouraging female uptake of STEM subjects will also prove essential in combating gender stereotypes.***

Or. it

**Amendment 67**  
**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

*Amendment*

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

(4) At the same time, depending on the circumstances regarding its specific application and use, artificial intelligence may generate risks and cause harm to public interests and ***fundamental rights of people in employment and in learning and of socially active people*** that are protected by Union law. Such harm might be material or immaterial.

Or. de

**Amendment 68**

**Loucas Fourlas, Iuliu Winkler, Sabine Verheyen, Theodoros Zagorakis, Michaela Šojdrová, Peter Pollák, François-Xavier Bellamy, Milan Zver**

**Proposal for a regulation**

**Recital 4**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 69**

**Petra Kammerevert**

**Proposal for a regulation**

**Recital 5**

*Text proposed by the Commission*

*Amendment*

(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market

(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market

that at the same time meets a high level of protection of public interests, such as health and safety and the protection of fundamental rights, as recognised and protected by Union law. To achieve that objective, rules regulating the placing on the market and putting into service of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by the European Council<sup>33</sup>, and it ensures the protection of ethical principles, as specifically requested by the European Parliament<sup>34</sup>.

that at the same time meets a high level of protection of public interests, such as health and safety and the protection of fundamental rights, as recognised and protected by Union law. ***The Regulation aims in particular to ensure full respect for the right to informational self-determination, privacy, data protection and protection against discrimination.*** To achieve that objective, rules regulating the placing on the market and putting into service of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by the European Council<sup>33</sup>, and it ensures the protection of ethical principles, as specifically requested by the European Parliament<sup>34</sup>.

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

<sup>34</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).

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

<sup>34</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).

Or. de

## **Amendment 70**

**Loucas Furlas, Iuliu Winkler, Sabine Verheyen, Theodoros Zagorakis, Michaela Šojdrová, Peter Pollák, François-Xavier Bellamy, Milan Zver**

### **Proposal for a regulation Recital 5**

*Text proposed by the Commission*

*Amendment*

(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time meets a high level of protection of public interests, such as health and safety and the protection of fundamental rights, as recognised and protected by Union law. To achieve that objective, rules regulating the placing on the market and putting into service of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by the European Council<sup>33</sup>, and it ensures the protection of ethical principles, as specifically requested by the European Parliament<sup>34</sup>.

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

<sup>34</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).

(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time meets a high level of protection of public interests, such as health and safety and the protection of fundamental rights, as recognised and protected by Union law. To achieve that objective, rules regulating the placing on the market and putting into service of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure, trustworthy and ethical artificial intelligence, as stated by the European Council<sup>33</sup>, and it ensures the protection of ethical principles, as specifically requested by the European Parliament<sup>34</sup> ***with a human-centric approach and in compliance with freedom of expression, freedom of speech, media freedom, pluralism and cultural diversity.***

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

<sup>34</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).

Or. en

## **Amendment 71**

**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

### **Proposal for a regulation**

## Recital 5

### *Text proposed by the Commission*

(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time meets a high level of protection of public interests, such as health and safety and the protection of fundamental rights, as recognised and protected by Union law. To achieve that objective, rules regulating the placing on the market and putting into service of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure, ***trustworthy and ethical*** artificial intelligence, as stated by the European Council<sup>33</sup>, and it ensures the protection of ethical principles, as specifically requested by the European Parliament<sup>34</sup>.

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

<sup>34</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).

### *Amendment*

(5) A Union legal framework laying down harmonised rules on artificial intelligence is therefore needed to foster the development, use and uptake of artificial intelligence in the internal market that at the same time meets a high level of protection of public interests, such as health and safety and the protection of fundamental rights, as recognised and protected by Union law. To achieve that objective, rules regulating the placing on the market and putting into service of certain AI systems should be laid down, thus ensuring the smooth functioning of the internal market and allowing those systems to benefit from the principle of free movement of goods and services. By laying down those rules, this Regulation supports the objective of the Union of being a global leader in the development of secure ***and trustworthy*** artificial intelligence ***based on fundamental rights***, as stated by the European Council<sup>33</sup>, and it ensures the protection of ethical principles, as specifically requested by the European Parliament<sup>34</sup>.

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

<sup>34</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).

Or. de

## Amendment 72

Dace Melbārde, Andrey Slabakov

### Proposal for a regulation



## Recital 5 a (new)

*Text proposed by the Commission*

*Amendment*

**(5 a) In order to help promote the development, uptake and understanding of AI, the Union needs to put further effort into education and training, thus, inter alia, addressing the shortage of ICT professionals and AI undergraduate courses, digitally skilled workers as well as lack of even basic digital skills amongst significant share of the EU population;**

Or. en

## Amendment 73

**Dace Melbārde, Andrey Slabakov**

### Proposal for a regulation

#### Recital 5 b (new)

*Text proposed by the Commission*

*Amendment*

**(5 b) Moreover, lack of both public and private investment is currently undermining development and use of AI systems across the Union, especially when compared to other major industrial economies. Special attention, incentives and support should be devised to promoting AI uptake amongst SMEs, including those in education and cultural and creative sectors and industries;**

Or. en

## Amendment 74

**Alessandro Panza**

### Proposal for a regulation

#### Recital 6

*Text proposed by the Commission*

*Amendment*

(6) The notion of AI system **should** be

(6) The notion of AI system **must** be

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

clearly defined to ensure legal certainty, while providing the flexibility to accommodate future technological developments. The definition should be based on the key functional characteristics of *AI software and distinguish it from more classical software systems and modelling approaches, such as logistic regression and other techniques which are equally transparent, explainable and interpretable.* In particular, *for the purposes of this regulation, AI systems should be construed as having the ability, on the basis of machine and/or human-based data and inputs, to deduce the way in which to achieve a given set of human-defined objectives through learning, reasoning or modelling and,* for a given set of human-defined objectives, to generate *specific* outputs *in the form of content, for generative AI systems (such as texts, videos and images), as well as* predictions, recommendations, or decisions, which influence the environment with which the system interacts, *both* in a physical *and* digital dimension. *For the purposes of this AI regulation, AI systems can be designed to follow an approach of limited explicability and to* operate with varying levels of *a very high degree of* autonomy. *These systems may* be used on a *autonomous* basis or as a component of a product, irrespective of whether the system is physically integrated into the product (embedded) or serve the functionality of the product without being integrated therein (non-embedded). The definition of AI system should be complemented by a list of specific techniques and approaches used for its development, which should be kept up-to-date in the light of market and technological developments through the adoption of delegated acts by the Commission to amend that list.

Or. it

## Amendment 75

Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa

### Proposal for a regulation

#### Recital 6

*Text proposed by the Commission*

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

*Amendment*

(6) The notion of AI system should be clearly defined to ensure legal certainty, while providing the flexibility to accommodate future technological developments. The definition should be based on the key functional characteristics of the software, in particular the ability, for a given set of human-defined objectives, to generate outputs such as content, predictions, recommendations, or decisions which influence the environment with which the system interacts, be it in a physical or digital dimension. AI systems can be designed to operate with varying levels of autonomy and be used on a stand-alone basis or as a component of a product, irrespective of whether the system is physically integrated into the product (embedded) or serve the functionality of the product without being integrated therein (non-embedded).

Or. en

## Amendment 76

Dace Melbārde, Andrey Slabakov

### Proposal for a regulation

#### Recital 6

*Text proposed by the Commission*

(6) The notion of AI system should be

*Amendment*

(6) The notion of AI system should be

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

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

Or. en

**Amendment 77**  
**Alessandro Panza**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

(8) The notion of remote biometric identification system as used in this Regulation should be defined functionally, as an AI system intended for the

*Amendment*

(8) The notion of remote biometric identification system as used in this Regulation should be defined functionally, as an AI system intended for the

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

identification of natural persons at a distance through the comparison of a person's biometric data with the biometric data contained in a reference database, irrespectively of the particular technology, processes or types of biometric data used. Considering their different characteristics and manners in which they are used, as well as the different risks involved, a distinction should be made between 'real-time' and 'post' remote biometric identification systems. In the case of 'real-time' systems, the capturing of the biometric data, the comparison and the identification occur all instantaneously, near-instantaneously or in any event without a significant delay. In this regard, there should be no scope for circumventing the rules of this Regulation on the 'real-time' use of the AI systems in question by providing for minor delays. 'Real-time' systems involve the use of 'live' or 'near-live' material, such as video footage, generated by a camera or other device with similar functionality. In the case of 'post' systems, in contrast, the biometric data have already been captured and the comparison and identification occur only after a significant delay. This involves material, such as pictures or video footage generated by closed circuit television cameras or private devices, which has been generated before the use of the system in respect of the natural persons concerned.

Or. it

## **Amendment 78**

**Vlad-Marius Botoș, Irena Joveva, Morten Løkkegaard**

### **Proposal for a regulation**

#### **Recital 9**

*Text proposed by the Commission*

(9) For the purposes of this Regulation

*Amendment*

(9) For the purposes of this Regulation

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

the notion of publicly accessible space should be understood as referring to any physical place that is accessible to the public, irrespective of whether the place in question is privately or publicly owned. Therefore, the notion does not cover places that are private in nature and normally not freely accessible for third parties, including law enforcement authorities, unless those parties have been specifically invited or authorised, such as homes, private clubs, offices, warehouses, and factories ***and other private spaces***. Online spaces ***whether publicly accessible or not, either for free or for various fees and conditions*** are not covered either, as they are not physical spaces. However, the mere fact that certain conditions for accessing a particular space may apply, such as admission tickets or age restrictions, does not mean that the space is not publicly accessible within the meaning of this Regulation. Consequently, in addition to public spaces such as streets, relevant parts of government buildings and most transport infrastructure, spaces such as cinemas, theatres, shops and shopping centres are normally also publicly accessible. Whether a given space is accessible to the public should however be determined on a case-by-case basis, having regard to the specificities of the individual situation at hand. ***If certain online spaces conduct illegal activities defined as such by international and European Union legislation they will be subject to the specific legislation in place.***

Or. en

#### **Amendment 79**

**Loucas Fourlas, Iuliu Winkler, Sabine Verheyen, Theodoros Zagorakis, Michaela Šojdrová, Peter Pollák, François-Xavier Bellamy, Dace Melbārde, Milan Zver**

#### **Proposal for a regulation Recital 9**

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

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

Or. en

## **Amendment 80**

**Dace Melbārde, Andrey Slabakov**

### **Proposal for a regulation**

#### **Recital 9**

*Text proposed by the Commission*

*Amendment*

(9) For the purposes of this Regulation the notion of publicly accessible space

(9) For the purposes of this Regulation the notion of publicly accessible space

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

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

Or. en

## **Amendment 81**

**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

### **Proposal for a regulation**

#### **Recital 9**

##### *Text proposed by the Commission*

(9) For the purposes of this Regulation the notion of publicly accessible space should be understood as referring to any physical place that is accessible to the public, irrespective of whether the place in question is privately or publicly owned. Therefore, the notion does not cover places

##### *Amendment*

(9) For the purposes of this Regulation the notion of publicly accessible space should be understood as referring to any physical **or virtual** place that is accessible to the public, irrespective of whether the place in question is privately or publicly owned **or owned on a non-profit basis**.



that are private in nature and normally not freely accessible for third parties, including law enforcement authorities, unless those parties have been specifically invited or authorised, such as homes, private clubs, offices, warehouses and **factories**. **Online spaces are not covered either, as they are not physical** spaces. However, the mere fact that certain conditions for accessing a particular space may apply, such as admission tickets or age restrictions, does not mean that the space is not publicly accessible within the meaning of this Regulation. Consequently, in addition to public spaces such as streets, relevant parts of government buildings and most transport infrastructure, spaces such as cinemas, theatres, shops and shopping centres are normally also publicly accessible. Whether a given space is accessible to the public should however be determined on a case-by-case basis, having regard to the specificities of the individual situation at hand.

Therefore, the notion does not cover places that are private in nature and normally not freely accessible for third parties, including law enforcement authorities, unless those parties have been specifically invited or authorised, such as homes, private clubs, offices, warehouses and **virtual protected** spaces. However, the mere fact that certain conditions for accessing a particular space may apply, such as admission tickets or age restrictions, does not mean that the space is not publicly accessible within the meaning of this Regulation. Consequently, in addition to public spaces such as streets, **parks, sports complexes**, relevant parts of government buildings and most transport infrastructure, spaces such as cinemas, theatres, **museums, libraries**, shops and shopping centres are normally also publicly accessible. Whether a given space is accessible to the public should however be determined on a case-by-case basis, having regard to the specificities of the individual situation at hand **as regards the use made of that space**.

Or. de

**Amendment 82**  
**Dace Melbārde, Loucas Furlas**

**Proposal for a regulation**  
**Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***(12 a) This Regulation does not intend to restrict research and development activities in the European Union and applies only to AI systems that are placed on the market.***

Or. en

**Amendment 83**  
**Alessandro Panza**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

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

*Amendment*

(13) In order to ensure a consistent and high level of protection of public interests as regards health, safety and fundamental rights, common normative standards for all high-risk AI systems should be established. Those standards should be consistent with the Charter of fundamental rights of the European Union (the Charter) and should be non-discriminatory and in line with the Union's international trade commitments. ***However, as regards the risk management system for high-risk AI systems, EU harmonisation legislation should concentrate on the essential requirements and leave their technical implementation to optional, stakeholder-developed, product-specific and state-of-the-art standards. European legislation should, therefore, concentrate on the desired output of risk assessment and management systems, and explicitly leave industry responsible for designing their system and adapting it to their internal operations and structures, in particular through the development of state-of-the-art standardisation systems.***

Or. it

**Amendment 84**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

(13) In order to ensure a consistent and high level of protection of public interests as regards health, safety and fundamental rights, common normative standards for ***all high-risk*** AI systems should be

*Amendment*

(13) In order to ensure a consistent and high level of protection of public interests as regards health, safety, ***the environment*** and fundamental rights ***and values such as democracy and the rule of law, a set of***

established. Those standards should be consistent with the Charter of fundamental rights of the European Union (the Charter) and should be non-discriminatory and in line with the Union's international *trade* commitments.

*ethical principles and* common normative standards for AI systems should be established. Those *principles and* standards should be consistent with the Charter of fundamental rights of the European Union (the Charter), *the European Green Deal (The Green Deal) and the Joint Declaration on Digital Rights of the Union (the Declaration)* and should be non-discriminatory and in line with the Union's international commitments

Or. en

**Amendment 85**  
**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

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

*Amendment*

(14) In order to introduce a proportionate and effective set of binding rules for AI systems, a clearly defined risk-based approach should be followed. That approach should tailor the type and content of such rules to the intensity and scope of the risks that AI systems can generate. It is therefore necessary to prohibit certain artificial intelligence practices, to lay down requirements for high-risk AI systems and obligations for the relevant operators, and to lay down transparency obligations for certain AI systems. *However, it is important to distinguish between the parties who develop and make the system and those who promote or market the product.*

Or. en

**Amendment 86**  
**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

**Proposal for a regulation**  
**Recital 14 a (new)**

*Text proposed by the Commission*

*Amendment*

**(14 a)** *(14 a) Without prejudice to tailoring rules to the intensity and scope of the risks that AI systems can generate, or to the specific requirements laid down for high-risk AI systems, all AI systems developed, deployed or used in the Union should respect not only Union and national law but also a specific set of ethical principles that are aligned with the values enshrined in Union law and that are in part, concretely reflected in the specific requirements to be complied with by high-risk AI systems. That set of principles should, inter alia, also be reflected in codes of conduct that should be mandatory for the development, deployment and use of all AI systems. Accordingly, any research carried out with the purpose of attaining AI-based solutions that strengthen the respect for those principles, in particular those of social responsibility and environmental sustainability, should be encouraged by the Commission and the Member States.*

Or. en

**Amendment 87**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

**Proposal for a regulation**  
**Recital 14 b (new)**

*Text proposed by the Commission*

*Amendment*

**(14 b)** *(14 b) AI literacy' refers to skills, knowledge and understanding that allows both citizens and operators in the context of the obligations set out in this Regulation, to make an informed deployment and use of AI systems, as well as to gain awareness about the opportunities and risks of AI and thereby*

*promote its democratic control. AI literacy should not be limited to learning about tools and technologies, but should also aim to equip citizens more generally and operators in the context of the obligations set out in this Regulation, with the critical thinking skills required to identify harmful or manipulative uses as well as to improve their agency and their ability to fully comply with and benefit from trustworthy AI. It is therefore necessary that the Commission, the Member States as well as operators of AI systems, in cooperation with all relevant stakeholders, promote the development of AI literacy, in all sectors of society, for citizens of all ages, including women and girls, and that progress in that regard is closely followed.*

Or. en

#### **Amendment 88**

**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

#### **Proposal for a regulation**

#### **Recital 15**

##### *Text proposed by the Commission*

(15) Aside from the many beneficial uses of artificial intelligence, that technology can also be misused and provide novel and powerful tools for manipulative, exploitative and social control practices. Such practices are particularly harmful and should be prohibited because they contradict Union values of respect for human dignity, freedom, equality, democracy and the rule of law and Union fundamental rights, including the right to non-discrimination, data protection and privacy and the rights of the child.

##### *Amendment*

(15) Aside from the many beneficial uses of artificial intelligence, that technology can also be misused and provide novel and powerful tools for manipulative, exploitative and social control practices. Such practices are particularly harmful and should be prohibited because they contradict Union values of respect for human dignity, freedom, equality, democracy and the rule of law and Union fundamental rights, including the right to non-discrimination, **employee protection**, data protection and privacy and the rights of the child.

Or. de

## Amendment 89

Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu

### Proposal for a regulation

#### Recital 15

*Text proposed by the Commission*

(15) Aside from the many beneficial uses of artificial intelligence, that technology can also be misused and provide novel and powerful tools for manipulative, exploitative and social control practices. Such practices are particularly harmful and should be prohibited because they contradict Union values of respect for human dignity, freedom, equality, democracy and the rule of law and Union fundamental rights, including the right to non-discrimination, data protection and privacy and the rights of the child.

*Amendment*

(15) Aside from the many beneficial uses of artificial intelligence, that technology can also be misused and provide novel and powerful tools for manipulative, exploitative and social control practices. Such practices are particularly harmful and should be prohibited because they contradict Union values of respect for human dignity, freedom, equality, democracy and the rule of law and Union fundamental rights, including the right to non-discrimination, data protection and privacy, **gender equality** and the rights of the child.

Or. en

## Amendment 90

Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu

### Proposal for a regulation

#### Recital 16

*Text proposed by the Commission*

(16) The **placing on the market, putting into service** or use of certain AI systems **intended** to distort human behaviour, whereby physical or psychological harms are likely to occur, should be forbidden. Such AI systems deploy subliminal components individuals cannot perceive or exploit vulnerabilities of children and people due to their age, physical or mental incapacities. They do so **with the intention to** materially **distort** the behaviour of a person and in a manner that causes or is likely to cause harm to that or another person. **The intention may not be presumed if the distortion of human**

*Amendment*

(16) The **development, deployment** or use of certain AI systems **used** to distort human behaviour, whereby physical or psychological harms are likely to occur, should be forbidden. Such AI systems deploy subliminal components individuals cannot perceive or exploit vulnerabilities of children and people due to their age, physical or mental incapacities. They do so **by** materially **distorting** the behaviour of a person and in a manner that causes or is likely to cause harm to that or another person. Research for legitimate purposes in relation to such AI systems should not be stifled by the prohibition, if such research

***behaviour results from factors external to the AI system which are outside of the control of the provider or the user.***

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

does not amount to use of the AI system in human-machine relations that exposes natural persons to harm and such research is carried out in accordance with recognised ethical standards for scientific research. .

Or. en

## **Amendment 91**

**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

### **Proposal for a regulation**

#### **Recital 17**

##### *Text proposed by the Commission*

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

##### *Amendment*

(17) AI systems providing social scoring of natural persons for general purpose may lead to discriminatory outcomes and the exclusion of certain groups. They may violate the right to dignity and non-discrimination and the values of equality and justice. Such AI systems evaluate or classify the trustworthiness, ***interests and abilities*** of natural persons based on their social behaviour in multiple contexts or known or predicted personal, ***personality or identity characteristics***. Such AI systems should be therefore prohibited.

Or. de

## Amendment 92

Vlad-Marius Botoș, Irena Joveva, Morten Løkkegaard

### Proposal for a regulation

#### Recital 17

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 93

Diana Riba i Giner, Sergey Lagodinsky, Kim Van Sparrentak

### Proposal for a regulation

#### Recital 17 a (new)

*Text proposed by the Commission*

*Amendment*

***(17 a) The placing on the market, putting***



*into service or use of certain AI systems that can be used or foreseeably misused for intrusive monitoring and flagging to identify or deter rule-breaking or fraud should be forbidden. The use of such intrusive monitoring and flagging, such as e-proctoring software, in a relationship of power, for example where education institutions have a relationship of power over their students and pupils, poses an unacceptable risk to the fundamental rights of students and pupils, including minors. Notably these practices affect private life, data protection and human dignity of students and pupils, including minors.*

Or. en

**Amendment 94**  
**Alessandro Panza**

**Proposal for a regulation**  
**Recital 17 a (new)**

*Text proposed by the Commission*

*Amendment*

*(17a) Artificial intelligence and related services should not exclude any political, social or economic groups*

Or. it

**Amendment 95**  
**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

*Amendment*

(18) The use of AI systems for ‘real-time’ remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement *is considered particularly intrusive in* the

(18) The use of AI systems for ‘real-time’ remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement *improperly encroaches on* the rights and

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

freedoms of persons *and is detrimental to* the private life of a large part of the population *in that it makes* constant surveillance *possible and, in so doing, makes it difficult to exercise* freedom of assembly and other fundamental rights. In addition, the immediacy of the impact and the limited opportunities for further checks or corrections in relation to the use of such systems operating in ‘real-time’ carry heightened risks for the rights and freedoms of the persons that are concerned by law enforcement activities.

Or. de

## Amendment 96

Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis

### Proposal for a regulation

#### Recital 19

*Text proposed by the Commission*

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

*Amendment*

(19) The use of those systems *in publicly accessible spaces* should therefore be prohibited *as a matter of principle*.

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

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<sup>38</sup> *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. de

## **Amendment 97**

**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

### **Proposal for a regulation**

#### **Recital 20**

*Text proposed by the Commission*

*Amendment*

*(20) In order to ensure that those systems are used in a responsible and proportionate manner, it is also important to establish that, in each of those three exhaustively listed and narrowly defined situations, certain elements should be taken into account, in particular as regards the nature of the situation giving rise to the request and the consequences*

*deleted*

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

Or. de

#### **Amendment 98**

**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

#### **Proposal for a regulation**

#### **Recital 21**

*Text proposed by the Commission*

*Amendment*

*(21) Each use of a ‘real-time’ remote biometric identification system in publicly accessible spaces for the purpose of law enforcement should be subject to an express and specific authorisation by a judicial authority or by an independent administrative authority of a Member State. Such authorisation should in principle be obtained prior to the use, except in duly justified situations of urgency, that is, situations where the need to use the systems in question is such as to make it effectively and objectively impossible to obtain an authorisation before commencing the use. In such situations of urgency, the use should be restricted to the absolute minimum necessary and be subject to appropriate safeguards and conditions, as determined in national law and specified in the context of each individual urgent use case by the law enforcement authority itself. In addition, the law enforcement authority*

*deleted*

*should in such situations seek to obtain an authorisation as soon as possible, whilst providing the reasons for not having been able to request it earlier.*

Or. de

#### **Amendment 99**

**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

#### **Proposal for a regulation**

##### **Recital 22**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. de

#### **Amendment 100**

**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

#### **Proposal for a regulation**

##### **Recital 23**

*Text proposed by the Commission*

*Amendment*

(23) The use of AI systems for ‘real-time’ remote biometric identification of natural persons in publicly accessible spaces **for the purpose of law enforcement**

(23) The use of AI systems for ‘real-time’ remote biometric identification of natural persons in publicly accessible spaces necessarily **results in** the processing

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

of biometric data. The rules of this Regulation that prohibit, subject to certain exceptions, such use, which are based on Article 16 TFEU, should apply as *lex specialis* in respect of the rules on the processing of biometric data contained in Article 10 of Directive (EU) 2016/680.

Or. de

**Amendment 101**  
**Alessandro Panza**

**Proposal for a regulation**  
**Recital 23**

*Text proposed by the Commission*

*Amendment*

(23) The use of AI systems for ‘real-time’ remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement necessarily involves the processing of biometric data. The rules of this Regulation that prohibit, subject to certain exceptions, such use, which are based on Article 16 TFEU, should apply as *lex specialis* in respect of the rules on the processing of biometric data contained in Article 10 of Directive (EU) 2016/680, thus regulating such use and the processing of biometric data involved in an exhaustive manner.

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

(23) The use of AI systems for ‘real-time’ remote biometric identification of natural persons in publicly accessible spaces for the purpose of law enforcement necessarily involves the processing of biometric data. The rules of this Regulation that prohibit, subject to certain exceptions, such use, which are based on Article 16 TFEU, should apply as *lex specialis* in respect of the rules on the processing of biometric data contained in Article 10 of Directive (EU) 2016/680, thus regulating such use and the processing of biometric data involved in an exhaustive manner.

Or. it

## **Amendment 102**

**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

### **Proposal for a regulation**

## Recital 24

*Text proposed by the Commission*

*Amendment*

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

**deleted**

Or. de

## Amendment 103

Marcel Kolaja

### Proposal for a regulation

#### Recital 24 a (new)

*Text proposed by the Commission*

*Amendment*

**(24 a) The use of AI systems to infer emotions of a natural person should be prohibited, except for the cases of use related to health and research purposes. Misuses of such AI systems might lead to serious infringements of person’s privacy and to their manipulation. Such technologies rely on a presumed link between emotions, facial expressions and other external physiological reactions, which does not take into account cultural differences and wrongly assumes existing universal patterns of expressing emotions.**

Or. en



**Amendment 104**  
**Marcel Kolaja**

**Proposal for a regulation**  
**Recital 24 b (new)**

*Text proposed by the Commission*

*Amendment*

***(24 b) The placing on the market, putting into service or use of certain AI systems that are used on minors to monitor or detect prohibited behaviour during tests at educational and training institutions should be forbidden. The use of such intrusive monitoring and flagging technologies, such as e-proctoring software, in a relationship of power, for example where education institutions have a relationship of power over their pupils, poses an unacceptable risk to the fundamental rights of minors. Notably these practices affect their private life, data protection rights and a right for human dignity.***

Or. en

**Amendment 105**  
**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

**Proposal for a regulation**  
**Recital 27**

*Text proposed by the Commission*

*Amendment*

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

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

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

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

Or. de

## **Amendment 106**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu, Massimiliano Smeriglio**

### **Proposal for a regulation**

#### **Recital 28**

##### *Text proposed by the Commission*

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

##### *Amendment*

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

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

expression and information, freedom of assembly and of association, and non-discrimination, *right to education*, consumer protection, workers' rights. *Special attention should be paid to gender equality*, rights of persons with disabilities, right to an effective remedy and to a fair trial, right of defence and the presumption of innocence, right to good administration, *protection of intellectual property rights and ensuring cultural diversity*. In addition to those rights, it is important to highlight that children have specific rights as enshrined in Article 24 of the EU Charter and in the United Nations Convention on the Rights of the Child (further elaborated in the UNCRC General Comment No. 25 as regards the digital environment), both of which require consideration of the children's vulnerabilities and provision of such protection and care as necessary for their well-being. The fundamental right to a high level of environmental protection enshrined in the Charter and implemented in Union policies should also be considered when assessing the harm that an AI system can cause, including in relation to the health and safety of persons *or to the environment, due to the extraction and consumption of natural resources, waste and the carbon footprint*.

Or. en

#### **Amendment 107**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

#### **Proposal for a regulation**

#### **Recital 32**

##### *Text proposed by the Commission*

(32) As regards stand-alone AI systems, meaning high-risk AI systems other than those that are safety components of products, or which are themselves products, it is appropriate to classify them

##### *Amendment*

(32) As regards stand-alone AI systems, meaning high-risk AI systems other than those that are safety components of products, or which are themselves products, it is appropriate to classify them

as high-risk if, in the light of their *intended* purpose, they pose a high risk of harm to the health and safety or the fundamental rights of persons, taking into account both the severity of the possible harm and its probability of occurrence *and they are used in a number of specifically pre-defined areas specified in the Regulation*. The identification of those systems is based on the same methodology and criteria envisaged also for any future amendments of the list of high-risk AI systems.

as high-risk if, in the light of their purpose, they pose a high risk of harm to the health and safety or the fundamental rights of persons, taking into account both the severity of the possible harm and its probability of occurrence. The identification of those systems is based on the same methodology and criteria envisaged also for any future amendments of the list of high-risk AI systems

Or. en

## Amendment 108

Vlad-Marius Botoș, Irena Joveva, Morten Løkkegaard

### Proposal for a regulation

#### Recital 33

##### *Text proposed by the Commission*

(33) Technical inaccuracies of AI systems intended for the remote biometric identification of natural persons can lead to biased results and entail discriminatory effects. This is particularly relevant when it comes to age, ethnicity, sex or disabilities. Therefore, ‘real-time’ and ‘post’ remote biometric identification systems should be classified as high-risk. In view of the risks that they pose, both types of remote biometric identification systems should be subject to specific requirements on logging capabilities and human oversight.

##### *Amendment*

(33) Technical inaccuracies of AI systems intended for the remote biometric identification of natural persons can lead to biased results and entail discriminatory effects. This is particularly relevant when it comes to age, ethnicity, sex or disabilities. Therefore, ‘real-time’ and ‘post’ remote biometric identification systems should be classified as high-risk. In view of the risks that they pose, both types of remote biometric identification systems should be subject to specific requirements on logging capabilities and human oversight. ***The high risk of non-remote biometric identification systems intended to be used in publicly accessible spaces, workplaces and education and training institutions should be determined on a case-by-case basis considering the need for and logging-in capabilities and other elements that might interfere with the human rights.***

Or. en

**Amendment 109**  
**Dace Melbārde, Loucas Fourlas**

**Proposal for a regulation**  
**Recital 33**

*Text proposed by the Commission*

(33) Technical inaccuracies of AI systems intended for the remote biometric identification of natural persons can lead to biased results and entail discriminatory effects. This is particularly relevant when it comes to age, ethnicity, sex or disabilities. Therefore, ‘real-time’ and ‘post’ remote biometric identification systems should be classified as high-risk. In view of the risks that they pose, both types of remote biometric identification systems should be subject to specific requirements on logging capabilities and human oversight.

*Amendment*

(33) Technical inaccuracies of AI systems intended for the remote biometric identification of natural persons can lead to biased results and entail discriminatory effects. This is particularly relevant when it comes to age, ethnicity, sex or disabilities. Therefore, ‘real-time’ and ‘post’ remote biometric identification systems should be classified as high-risk. In view of the risks that they pose, both types of remote biometric identification systems should be subject to specific requirements on logging capabilities and human oversight. ***The high risk of non-remote biometric identification systems intended to be used in publicly accessible spaces, workplaces and education and training institutions should be determined on a case-by-case basis.***

Or. en

**Amendment 110**  
**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

**Proposal for a regulation**  
**Recital 33**

*Text proposed by the Commission*

(33) Technical inaccuracies of AI systems intended for the ***remote*** biometric identification of natural persons can lead to biased results and entail discriminatory effects. This is particularly relevant when it comes to age, ethnicity, sex or disabilities. Therefore, ***‘real-time’ and ‘post’ remote biometric identification systems*** should be

*Amendment*

(33) Technical inaccuracies of AI systems intended for the biometric identification of natural persons ***in protected spaces*** can lead to biased results and entail discriminatory effects. This is particularly relevant when it comes to age, ethnicity, sex or disabilities. Therefore, ***biometric identification systems used in***

classified as high-risk. In view of the risks that they pose, both types of *remote* biometric identification systems should be subject to specific requirements on logging capabilities and human oversight.

*the workplace, in higher education or within vocational training* should be classified as high-risk. In view of the risks that they pose, both types of biometric identification systems should be subject to specific requirements on logging capabilities and human oversight.

Or. de

**Amendment 111**  
**Dace Melbārde, Loucas Fourlas**

**Proposal for a regulation**  
**Recital 34 a (new)**

*Text proposed by the Commission*

*Amendment*

**(34 a) *Deployment of AI systems in education is crucial in order to help modernise entire education systems and increase educational quality, both offline and online, and to accelerate digital education, thus also making it available to a broader audience. AI-aided digital education, whilst not a replacement for an in-person learning, is increasingly necessary to promote societal and economic growth, promote inclusiveness and increase educational attainment and accessibility to individuals.***

Or. en

**Amendment 112**  
**Vlad-Marius Botoș, Irena Joveva, Morten Løkkegaard**

**Proposal for a regulation**  
**Recital 35**

*Text proposed by the Commission*

*Amendment*

(35) AI systems used in education or vocational training, notably for determining access or assigning persons to educational and vocational training

(35) AI systems used ***on a compulsory bases by education and training institutions*** in education, or vocational training, notably for determining access or

institutions or to evaluate persons on tests as part of or as a precondition for their education should be considered high-risk, since they may determine the educational and professional course of a person's life and therefore affect their ability to secure their livelihood. When improperly designed and used, such systems may violate the right to education and training as well as the right not to be discriminated against and perpetuate historical patterns of discrimination.

assigning persons to educational and vocational training institutions or to evaluate persons on tests as part of or as a precondition for their education ***or for determining the areas of study a student should follow*** should be considered high-risk, since they may determine the educational and professional course of a person's life and therefore affect their ability to secure their livelihood. When improperly designed and used, such systems may violate the right to education and training as well as the right not to be discriminated against and perpetuate historical patterns of discrimination. ***However, these systems should be developed and used with the purpose of improving education and vocational training with full respect of the GDPR and other applicable laws. AI systems used to monitor students during tests at education and training institutions should not be considered high-risk, if they use an internal system or database and are fully aligned with the data protection.***

Or. en

**Amendment 113**  
**Petra Kammerevert**

**Proposal for a regulation**  
**Recital 35**

*Text proposed by the Commission*

(35) AI systems used in education or vocational training, notably for determining access or assigning persons to educational and vocational training institutions or to evaluate persons on tests as part of or as a precondition for their education should be considered high-risk, since they may determine the educational and professional course of a person's life and therefore affect their ability to secure their livelihood. When improperly designed and used, such systems may

*Amendment*

(35) AI systems used in education or vocational training, notably for determining access or assigning persons to educational and vocational training institutions or to evaluate persons on tests as part of or as a precondition for their education should be considered high-risk, since they may determine the educational and professional course of a person's life and therefore affect their ability to secure their livelihood. When improperly designed and used, such systems may

violate the right to education and training as well as the right not to be discriminated against and perpetuate historical patterns of discrimination.

violate the right to education and training as well as the right not to be discriminated against and perpetuate historical patterns of discrimination. ***The Commission should develop a separate legal framework on these aspects, as well as on the use of AI systems to monitor learners and students when taking remote tests (i.e. online or e-proctoring), within 12 months of the entry into force of this Regulation, which also takes due account of pedagogical and development-specific aspects in this connection;***

Or. de

#### **Amendment 114**

**Loucas Furlas, Iuliu Winkler, Sabine Verheyen, Theodoros Zagorakis, Michaela Šojdrová, Peter Pollák, Isabel Benjumea Benjumea, Milan Zver**

#### **Proposal for a regulation**

#### **Recital 35**

##### *Text proposed by the Commission*

(35) AI systems used in education or vocational training, notably for determining access or assigning persons to educational and vocational training institutions or to evaluate persons on tests as part of or as a precondition for their education should be considered high-risk, since they may determine the educational and professional course of a person's life and therefore affect their ability to secure their livelihood. When improperly designed and used, such systems may violate the right to education and training as well as the right not to be discriminated against and perpetuate historical patterns of discrimination.

##### *Amendment*

(35) AI systems used in education or vocational training, notably for determining access or assigning persons to educational and vocational training institutions or to evaluate persons on tests as part of or as a precondition for their education ***or for determining the course of study a student should follow*** should be considered high-risk, since they may determine the educational and professional course of a person's life and therefore affect their ability to secure their livelihood. When improperly designed and used, such systems may violate the right to education and training as well as the right not to be discriminated against and perpetuate historical patterns of discrimination. ***AI systems used to monitor students' behaviour and emotion during tests at education and training institutions should be considered high-risk, since they are also interfering with students' rights to privacy and data protection. The use of***



*AI to check fraud at test or exam, such as plagiarism, should not be consider as high-risk.*

Or. en

#### **Amendment 115**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu, Massimiliano Smeriglio**

#### **Proposal for a regulation**

#### **Recital 35**

##### *Text proposed by the Commission*

(35) AI systems used in education or vocational training, notably for determining access or assigning persons to educational and vocational training institutions or to evaluate persons on tests as part of or as a precondition for their education should be considered high-risk, since they may determine the educational and professional course of a person's life and therefore affect their ability to secure their livelihood. When improperly designed and used, such systems may violate the right to education and training as well as the *right not to* be discriminated against and perpetuate historical patterns of discrimination.

##### *Amendment*

(35) AI systems used in education or vocational training, notably for determining access or assigning persons to educational and vocational training institutions or to evaluate persons on tests as part of or as a precondition for their education should be considered high-risk, since they may determine the educational and professional course of a person's life and therefore affect their ability to secure their livelihood. When improperly designed, *developed* and used, such systems may violate the right to education and training as well as the *rights to gender equality and to not* be discriminated against and perpetuate historical patterns of discrimination. *Finally, education is also a social learning process therefore, the use of artificial intelligence systems must not replace the fundamental role of teachers in education.*

Or. en

#### **Amendment 116**

**Dace Melbārde, Andrey Slabakov**

#### **Proposal for a regulation**

#### **Recital 35**

*Text proposed by the Commission*

(35) AI systems used in education or vocational training, **notably** for determining access or assigning persons to educational and vocational training institutions or to evaluate persons on tests as part of or as a precondition for their education should be considered high-risk, since **they may** determine the educational and professional course of a person's life and therefore affect their ability to secure their livelihood. When improperly designed and used, such systems may violate the right to education and training as well as the right not to be discriminated against and perpetuate historical patterns of discrimination.

*Amendment*

(35) AI systems used in education or vocational training for determining access or assigning persons to educational and vocational training institutions or to evaluate persons on tests as part of or as a precondition for their education should be considered high-risk, since **poorly designed AI systems may negatively** determine the educational and professional course of a person's life and therefore affect their ability to secure their livelihood. When improperly designed and used, such systems may violate the right to education and training as well as the right not to be discriminated against and perpetuate historical patterns of discrimination. **All other applications of AI systems in education and training, such as systems used to monitor students during tests, should by default be considered minimal risk.**

Or. en

**Amendment 117**

**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**

**Recital 35 a (new)**

*Text proposed by the Commission*

*Amendment*

**(35 a) The application of AI systems in news media is growing, helping to automate mundane tasks, raise efficiency and improve quality offer. To raise competitiveness and embrace innovation, it is vital that AI-aided automation efforts such as automatically written articles are being deployed by newsrooms. As such relevant AI applications, for which there is editorial oversight, are considered minimal risk.**

Or. en

## Amendment 118

Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu

### Proposal for a regulation

#### Recital 36

##### *Text proposed by the Commission*

(36) AI systems used in employment, workers management and access to self-employment, notably for the recruitment and selection of persons, for making decisions on promotion and termination and for task allocation, monitoring or evaluation of persons in work-related contractual relationships, should also be classified as high-risk, since those systems may appreciably impact future career prospects and livelihoods of these persons. Relevant work-related contractual relationships should involve employees and persons providing services through platforms as referred to in the Commission Work Programme 2021. Such persons should in principle not be considered users within the meaning of this Regulation. Throughout the recruitment process and in the evaluation, promotion, or retention of persons in work-related contractual relationships, such systems may perpetuate historical patterns of discrimination, for example against women, certain age groups, persons with disabilities, or persons of certain racial or ethnic origins or sexual orientation. AI systems used to monitor the performance and behaviour of these persons may also impact their rights to data protection and privacy.

##### *Amendment*

(36) AI systems used in employment, workers management and access to self-employment, notably for the recruitment and selection of persons, for making decisions on promotion and termination and for task allocation, monitoring or evaluation of persons in work-related contractual relationships, should also be classified as high-risk, since those systems may appreciably impact ***the health, safety and security rules applicable in their work and at their workplaces*** and future career prospects and livelihoods of these persons. Relevant work-related contractual relationships should involve employees and persons providing services through platforms as referred to in the Commission Work Programme 2021. Such persons should in principle not be considered users within the meaning of this Regulation. Throughout the recruitment process and in the evaluation, promotion, or retention of persons in work-related contractual relationships, such systems may perpetuate historical patterns of discrimination, for example against women, certain age groups, persons with disabilities, or persons of certain racial or ethnic origins or sexual orientation. AI systems used to monitor the performance and behaviour of these persons may also impact their rights to data protection and privacy. ***In this regard, specific requirements on transparency, information and human oversight should apply. Trade unions and workers representatives should be informed and they should have access to any documentation created under this Regulation for any AI system deployed or used in their work or at their workplace.***

**Amendment 119****Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis****Proposal for a regulation****Recital 36***Text proposed by the Commission*

(36) AI systems used in employment, workers management and access to self-employment, notably for the recruitment and selection of persons, for making decisions on promotion and termination and for task allocation, monitoring or evaluation of persons in work-related contractual relationships, should also be classified as high-risk, since those systems may appreciably impact future career prospects and livelihoods of these persons. Relevant work-related contractual relationships should involve employees and persons providing services through platforms as referred to in the Commission Work Programme 2021. Such persons should in principle not be considered users within the meaning of this Regulation. Throughout the recruitment process and in the evaluation, promotion, or retention of persons in work-related contractual relationships, such systems may perpetuate historical patterns of discrimination, for example against women, certain age groups, persons with disabilities, or persons of certain racial or ethnic origins or sexual orientation. AI systems used to monitor the performance and behaviour of these persons may also impact their rights to data protection and privacy.

*Amendment*

(36) AI systems used in employment, **employment support**, workers management and access to self-employment, notably for the recruitment and selection of persons, for making decisions on promotion and termination and for task allocation, monitoring or evaluation of persons in work-related contractual relationships, should also be classified as high-risk, since those systems may appreciably impact future career prospects and livelihoods of these persons. Relevant work-related contractual relationships should involve employees and persons providing services through platforms as referred to in the Commission Work Programme 2021. Such persons should in principle not be considered users within the meaning of this Regulation. Throughout the recruitment process and in the evaluation, promotion, or retention of persons in work-related contractual relationships, such systems may perpetuate historical patterns of discrimination, for example against women, certain age groups, persons with disabilities, or persons of certain racial or ethnic origins or sexual orientation. AI systems used to monitor the performance and behaviour of these persons may also impact their rights to data protection and privacy.

Or. de

**Amendment 120****Alessandro Panza**

**Proposal for a regulation**  
**Recital 36 a (new)**

*Text proposed by the Commission*

*Amendment*

**(36a) whereas suitable legislation is required since artificial intelligence could bridge the digital divide between different areas and therefore, as a result, also stop the phenomenon of depopulation with its adverse economic and social consequences for mountainous, remote and rural areas;**

Or. it

**Amendment 121**  
**Alessandro Panza**

**Proposal for a regulation**  
**Recital 36 b (new)**

*Text proposed by the Commission*

*Amendment*

**(36b) Artificial intelligence could bring jobs and benefits even to small communities in mountainous, remote and rural areas, thus boosting employment in the area and triggering economic spillovers which prevent economic and social depression in communities in geographically disadvantaged zones.**

Or. it

**Amendment 122**  
**Alessandro Panza**

**Proposal for a regulation**  
**Recital 37**

*Text proposed by the Commission*

*Amendment*

(37) Another area in which the use of AI systems deserves special consideration is

(37) Another area in which the use of AI systems deserves special consideration is

the access to and enjoyment of certain essential private and public services and benefits necessary for people to fully participate in society or to improve one's standard of living. In particular, AI systems used to evaluate the credit score or creditworthiness of natural persons should be classified as high-risk AI systems, since they determine those persons' access to financial resources or essential services such as housing, electricity, and telecommunication services. AI systems used for this purpose may lead to discrimination of persons or groups and perpetuate historical patterns of discrimination, for example based on racial or ethnic origins, disabilities, age, sexual orientation, or create new forms of discriminatory impacts. Considering the very limited scale of the impact and the available alternatives on the market, it is appropriate to exempt AI systems for the purpose of creditworthiness assessment and credit scoring when put into service by small-scale providers for their own use. Natural persons applying for or receiving public assistance benefits and services from public authorities are typically dependent on those benefits and services and in a vulnerable position in relation to the responsible authorities. If AI systems are used for determining whether such benefits and services should be denied, reduced, revoked or reclaimed by authorities, they may have a significant impact on persons' livelihood and may infringe their fundamental rights, such as the right to social protection, non-discrimination, human dignity or an effective remedy. Those systems should therefore be classified as high-risk. Nonetheless, this Regulation should not hamper the development and use of innovative approaches in the public administration, which would stand to benefit from a wider use of compliant and safe AI systems, provided that those systems do not entail a high risk to legal and natural persons. Finally, AI systems used to dispatch or establish priority in the

the access to and enjoyment of certain essential private and public services and benefits necessary for people to fully participate in society or to improve one's standard of living. ***Particular reference is made and attention drawn to people deemed vulnerable and their households.*** In particular, AI systems used to evaluate the credit score or creditworthiness of natural persons should be classified as high-risk AI systems, since they determine those persons' access to financial resources or essential services such as housing, electricity, and telecommunication services. AI systems used for this purpose may lead to discrimination of persons or groups and perpetuate historical patterns of discrimination, for example based on racial or ethnic origins, disabilities, age, sexual orientation, or create new forms of discriminatory impacts. Considering the very limited scale of the impact and the available alternatives on the market, it is appropriate to exempt AI systems for the purpose of creditworthiness assessment and credit scoring when put into service by small-scale providers for their own use. Natural persons applying for or receiving public assistance benefits and services from public authorities are typically dependent on those benefits and services and in a vulnerable position in relation to the responsible authorities. If AI systems are used for determining whether such benefits and services should be denied, reduced, revoked or reclaimed by authorities, they may have a significant impact on persons' livelihood and may infringe their fundamental rights, such as the right to social protection, non-discrimination, human dignity or an effective remedy. Those systems should therefore be classified as high-risk. Nonetheless, this Regulation should not hamper the development and use of innovative approaches in the public administration, which would stand to benefit from a wider use of compliant and safe AI systems, provided that those systems do not entail a high risk to legal

dispatching of emergency first response services should also be classified as high-risk since they make decisions in very critical situations for the life and health of persons and their property.

and natural persons. Finally, AI systems used to dispatch or establish priority in the dispatching of emergency first response services should also be classified as high-risk since they make decisions in very critical situations for the life and health of persons and their property.

Or. it

**Amendment 123**  
**Alessandro Panza**

**Proposal for a regulation**  
**Recital 37 a (new)**

*Text proposed by the Commission*

*Amendment*

***(37a) whereas cultural activities could derive an economic benefit from the use of artificial intelligence;***

Or. it

**Amendment 124**  
**Alessandro Panza**

**Proposal for a regulation**  
**Recital 37 b (new)**

*Text proposed by the Commission*

*Amendment*

***(37b) whereas the 4hc project aims to set up a digital skills centre to preserve European cultural heritage;***

Or. it

**Amendment 125**  
**Alessandro Panza**

**Proposal for a regulation**  
**Recital 38**

[...]

*Deleted*

Or. it

**Amendment 126**  
**Alessandro Panza**

**Proposal for a regulation**  
**Recital 39**

*Text proposed by the Commission*

*Amendment*

**(39) *AI systems used in migration, asylum and border control management affect people who are often in particularly vulnerable position and who are dependent on the outcome of the actions of the competent public authorities. The accuracy, non-discriminatory nature and transparency of the AI systems used in those contexts are therefore particularly important to guarantee the respect of the fundamental rights of the affected persons, notably their rights to free movement, non-discrimination, protection of private life and personal data, international protection and good administration. It is therefore appropriate to classify as high-risk AI systems intended to be used by the competent public authorities charged with tasks in the fields of migration, asylum and border control management as polygraphs and similar tools or to detect the emotional state of a natural person; for assessing certain risks posed by natural persons entering the territory of a Member State or applying for visa or asylum; for verifying the authenticity of the relevant documents of natural persons; for assisting competent public authorities for the examination of applications for asylum, visa and residence permits and associated complaints with regard to the objective to establish the eligibility of the natural persons applying for a status. AI***

*deleted*



*systems in the area of migration, asylum and border control management covered by this Regulation should comply with the relevant procedural requirements set by the Directive 2013/32/EU of the European Parliament and of the Council<sup>49</sup>, the Regulation (EC) No 810/2009 of the European Parliament and of the Council<sup>50</sup> and other relevant legislation.*

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<sup>49</sup> *Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60).*

<sup>50</sup> *Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.9.2009, p. 1).*

Or. it

**Amendment 127**  
**Alessandro Panza**

**Proposal for a regulation**  
**Recital 40**

*Text proposed by the Commission*

*Amendment*

*(40) Certain AI systems intended for the administration of justice and democratic processes should be classified as high-risk, considering their potentially significant impact on democracy, rule of law, individual freedoms as well as the right to an effective remedy and to a fair trial. In particular, to address the risks of potential biases, errors and opacity, it is appropriate to qualify as high-risk AI systems intended to assist judicial authorities in researching and interpreting facts and the law and in applying the law to a concrete set of facts. Such qualification should not extend, however, to AI systems intended for*

*deleted*

*purely ancillary administrative activities that do not affect the actual administration of justice in individual cases, such as anonymisation or pseudonymisation of judicial decisions, documents or data, communication between personnel, administrative tasks or allocation of resources.*

Or. it

**Amendment 128**  
**Alessandro Panza**

**Proposal for a regulation**  
**Recital 41**

*Text proposed by the Commission*

*Amendment*

*(41) The fact that an AI system is classified as high risk under this Regulation should not be interpreted as indicating that the use of the system is necessarily lawful under other acts of Union law or under national law compatible with Union law, such as on the protection of personal data, on the use of polygraphs and similar tools or other systems to detect the emotional state of natural persons. Any such use should continue to occur solely in accordance with the applicable requirements resulting from the Charter and from the applicable acts of secondary Union law and national law. This Regulation should not be understood as providing for the legal ground for processing of personal data, including special categories of personal data, where relevant.*

*deleted*

Or. it

**Amendment 129**  
**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

**Proposal for a regulation**

## Recital 70

*Text proposed by the Commission*

(70) Certain AI systems *intended* to interact with natural persons or to generate content may pose specific risks of impersonation or deception irrespective of whether they qualify as high-risk or not. In certain circumstances, the use of these systems should therefore be subject to specific transparency obligations without prejudice to the requirements and obligations for high-risk AI systems. In particular, natural persons should be notified that they are interacting with an AI system, unless this is obvious from the circumstances and the context of use. Moreover, natural persons should be notified when they are exposed to an emotion recognition system or a biometric categorisation system. Such information and notifications should be provided in accessible formats for persons with disabilities. Further, users, who use an AI system to generate or manipulate image, audio or video content that appreciably resembles existing persons, places or events and would falsely appear to a person to be authentic, should disclose that the content has been artificially created or manipulated by labelling the artificial intelligence output accordingly and disclosing its artificial origin.

*Amendment*

(70) Certain AI systems *used* to interact with natural persons or to generate content may pose specific risks of impersonation or deception irrespective of whether they qualify as high-risk or not. In certain circumstances, the use of these systems should therefore be subject to specific transparency obligations without prejudice to the requirements and obligations for high-risk AI systems. In particular, natural persons should be notified that they are interacting with an AI system, unless this is obvious from the circumstances and the context of use. Moreover, natural persons should be notified when they are exposed to an emotion recognition system or a biometric categorisation system. Such information and notifications, *which should include a disclaimer*, should be provided in accessible formats for *children, the elderly, migrants and* persons with disabilities. Further, users, who use an AI system to generate or manipulate image, audio, *text, scripts* or video content that appreciably resembles existing persons, places, *text, scripts* or events and would falsely appear to a person to be authentic, should *appropriately* disclose that the content has been artificially created or manipulated by labelling the artificial intelligence output accordingly and disclosing its artificial origin, *namely the name of the person or entity that created it. AI systems used to recommend, disseminate and order news or cultural and creative content displayed to users, should include an explanation of the parameters used for the moderation of content and personalised suggestions which should be easily accessible and understandable to the users.*

Or. en

## Amendment 130

Loucas Fourlas, Iuliu Winkler, Sabine Verheyen, Theodoros Zagorakis, Michaela Šojdrová, Peter Pollák, François-Xavier Bellamy, Milan Zver

### Proposal for a regulation

#### Recital 70

##### *Text proposed by the Commission*

(70) Certain AI systems intended to interact with natural persons or to generate content may pose specific risks of impersonation or deception irrespective of whether they qualify as high-risk or not. In certain circumstances, the use of these systems should therefore be subject to specific transparency obligations without prejudice to the requirements and obligations for high-risk AI systems. In particular, natural persons should be notified that they are interacting with an AI system, unless this is obvious from the circumstances and the context of use. Moreover, natural persons should be notified when they are exposed to an emotion recognition system or a biometric categorisation system. Such information and notifications should be provided in accessible formats for persons with disabilities. Further, users, who use an AI system to generate or manipulate image, audio or video content that appreciably resembles existing persons, places or events and would falsely appear to a person to be authentic, should disclose that the content has been artificially created or manipulated by labelling the artificial intelligence output accordingly and disclosing its artificial origin.

##### *Amendment*

(70) Certain AI systems intended to interact with natural persons or to generate content may pose specific risks of impersonation or deception irrespective of whether they qualify as high-risk or not. In certain circumstances, the use of these systems should therefore be subject to specific transparency obligations without prejudice to the requirements and obligations for high-risk AI systems. In particular, natural persons should be notified that they are interacting with an AI system, unless this is obvious from the circumstances and the context of use ***or where the content is doubtless used to form part of a creative, artistic or fictional cinematographic work.*** Moreover, natural persons should be notified when they are exposed to an emotion recognition system or a biometric categorisation system. Such information and notifications should be provided in accessible formats for persons with disabilities ***or other vulnerabilities.*** Further, users, who use an AI system to generate or manipulate image, audio or video content that appreciably resembles existing persons, places or events and would falsely appear to a person to be authentic, should disclose ***in a clear manner*** that the content has been artificially created or manipulated by labelling the artificial intelligence output accordingly and disclosing its artificial origin.

Or. en

## Amendment 131

Victor Negrescu

**Proposal for a regulation**  
**Recital 70**

*Text proposed by the Commission*

(70) Certain AI systems intended to interact with natural persons or to generate content may pose specific risks of impersonation or deception irrespective of whether they qualify as high-risk or not. In certain circumstances, the use of these systems should therefore be subject to specific transparency obligations without prejudice to the requirements and obligations for high-risk AI systems. In particular, natural persons should be notified that they are interacting with an AI system, unless this is obvious from the circumstances and the context of use. Moreover, natural persons should be notified when they are exposed to an emotion recognition system or a biometric categorisation system. Such information and notifications should be provided in accessible formats *for* persons with disabilities. Further, users, who use an AI system to generate or manipulate image, audio or video content that appreciably resembles existing persons, places or events and would falsely appear to a person to be authentic, should disclose that the content has been artificially created or manipulated by labelling the artificial intelligence output accordingly and disclosing its artificial origin.

*Amendment*

(70) Certain AI systems intended to interact with natural persons or to generate content may pose specific risks of impersonation or deception irrespective of whether they qualify as high-risk or not. In certain circumstances, the use of these systems should therefore be subject to specific transparency obligations without prejudice to the requirements and obligations for high-risk AI systems. In particular, natural persons should be notified that they are interacting with an AI system, unless this is obvious from the circumstances and the context of use. Moreover, natural persons should be notified when they are exposed to an emotion recognition system or a biometric categorisation system. Such information and notifications should be provided in accessible formats *also for children, old people and* persons with disabilities. Further, users, who use an AI system to generate or manipulate image, audio or video content that appreciably resembles existing persons, places or events and would falsely appear to a person to be authentic, should disclose that the content has been artificially created or manipulated by labelling the artificial intelligence output accordingly and disclosing its artificial origin.

Or. en

**Amendment 132**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

**Proposal for a regulation**  
**Recital 73**

*Text proposed by the Commission*

*Amendment*

(73) In order to promote and protect innovation, it is important that the interests of small-scale providers and users of AI systems are taken into particular account. To this objective, Member States should develop initiatives, which are targeted at those operators, including on awareness raising and information communication. Moreover, the specific interests and needs of small-scale providers shall be taken into account when Notified Bodies set conformity assessment fees. Translation costs related to mandatory documentation and communication with authorities may constitute a significant cost for providers and other operators, notably those of a smaller scale. Member States should possibly ensure that one of the languages determined and accepted by them for relevant providers' documentation and for communication with operators is one which is broadly understood by the largest possible number of cross-border users.

(73) In order to promote and protect innovation, it is important that the interests of small-scale providers and users of AI systems are taken into particular account. To this objective, Member States should develop initiatives, which are targeted at those operators, including on *AI literacy*, awareness raising and information communication. Moreover, the specific interests and needs of small-scale providers shall be taken into account when Notified Bodies set conformity assessment fees. Translation costs related to mandatory documentation and communication with authorities may constitute a significant cost for providers and other operators, notably those of a smaller scale. Member States should possibly ensure that one of the languages determined and accepted by them for relevant providers' documentation and for communication with operators is one which is broadly understood by the largest possible number of cross-border users.

Or. en

**Amendment 133**  
**Victor Negrescu**

**Proposal for a regulation**  
**Recital 74**

*Text proposed by the Commission*

(74) In order to minimise the risks to implementation resulting from lack of knowledge and expertise in the market as well as to facilitate compliance of providers and notified bodies with their obligations under this Regulation, the AI-on demand platform, the European Digital Innovation Hubs and the Testing and Experimentation Facilities established by the Commission and the Member States at national or EU level should possibly contribute to the implementation of this Regulation. Within their respective mission

*Amendment*

(74) In order to minimise the risks to implementation resulting from lack of knowledge and expertise in the market as well as to facilitate compliance of providers and notified bodies with their obligations under this Regulation, the AI-on demand platform, the European Digital Innovation Hubs and the Testing and Experimentation Facilities established by the Commission and the Member States at national or EU level should possibly contribute to the implementation of this Regulation. Within their respective mission

and fields of competence, they may provide in particular technical and scientific support to providers and notified bodies.

and fields of competence, they may provide in particular technical and scientific support to providers and notified bodies. ***The Commission should also create a pan-European university' and research' networks focused on AI for enhanced studying and research on the impact of AI and to update the Digital Education Action Plan in order to integrate AI and robotics innovation in education.***

Or. en

#### **Amendment 134**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

#### **Proposal for a regulation**

#### **Recital 76**

##### *Text proposed by the Commission*

(76) In order to facilitate a smooth, effective and harmonised implementation of this **Regulation** a European Artificial Intelligence **Board** should be established. The **Board** should be responsible for a number of advisory tasks, including issuing opinions, recommendations, advice or guidance on matters related to the implementation of this Regulation, including on technical specifications or existing standards regarding the requirements established in this Regulation and providing advice to and assisting the Commission on specific questions related to artificial intelligence.

##### *Amendment*

(76) In order to facilitate a smooth, effective and harmonised implementation of this **and other Regulations** a European **Agency for Data and Artificial Intelligence** should be established. The **Agency** should be responsible for a number of advisory tasks, including issuing opinions, recommendations, advice or guidance on matters related to the implementation of this Regulation **and other present or future legislations**, including on technical specifications or existing standards regarding the requirements established in this Regulation and providing advice to and assisting the Commission on specific questions related to artificial intelligence. ***The Agency should establish a Permanent Stakeholders' Group composed of experts representing the relevant stakeholders, such as representatives of developers, deployers and users of AI systems, including SMEs and start-ups, consumer groups, trade unions, fundamental rights organisations and academic experts and it should communicate its activities to***

*citizens as appropriate.*

Or. en

## **Amendment 135**

**Victor Negrescu**

### **Proposal for a regulation**

#### **Recital 76**

*Text proposed by the Commission*

(76) In order to facilitate a smooth, effective and harmonised implementation of this Regulation a European Artificial Intelligence Board should be established. The Board should be responsible for a number of advisory tasks, including issuing opinions, recommendations, advice or guidance on matters related to the implementation of this Regulation, including on technical specifications or existing standards regarding the requirements established in this Regulation and providing advice to and assisting the Commission on specific questions related to artificial intelligence.

*Amendment*

(76) In order to facilitate a smooth, effective and harmonised implementation of this Regulation a European Artificial Intelligence Board should be established. The Board should be responsible for a number of advisory tasks, including issuing opinions, recommendations, advice or guidance on matters related to the implementation of this Regulation, including on technical specifications or existing standards regarding the requirements established in this Regulation and providing *expert* advice to and assisting the Commission on specific questions related to artificial intelligence *and to address the challenges rising from the fast evolving development of AI technologies.*

Or. en

## **Amendment 136**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

### **Proposal for a regulation**

#### **Recital 79**

*Text proposed by the Commission*

(79) In order to ensure an appropriate and effective enforcement of the requirements and obligations set out by this Regulation, which is Union harmonisation legislation, the system of market

*Amendment*

(79) In order to ensure an appropriate and effective enforcement of the requirements and obligations set out by this Regulation, which is Union harmonisation legislation, the system of market



surveillance and compliance of products established by Regulation (EU) 2019/1020 should apply in its entirety. Where necessary for their mandate, national public authorities or bodies, which supervise the application of Union law protecting fundamental rights, including equality bodies, should also have access to any documentation created under this Regulation.

surveillance and compliance of products established by Regulation (EU) 2019/1020 should apply in its entirety. Where necessary for their mandate, national public authorities or bodies, which supervise the application of Union law protecting fundamental rights, including equality bodies, should also have access to any documentation created under this Regulation. ***Where appropriate, national authorities or bodies, which supervise the application of Union law or national law compatible with union law establishing rules regulating the health, safety, security and environment at work, should also have access to any documentation created under this Regulation.***

Or. en

#### Amendment 137

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

#### Proposal for a regulation

##### Recital 81

###### *Text proposed by the Commission*

(81) The development of AI systems other than high-risk AI systems in accordance with the requirements of this Regulation may lead to a larger uptake of trustworthy artificial intelligence in the Union. Providers of non-high-risk AI systems should ***be encouraged to*** create codes of conduct intended to foster the voluntary application of the mandatory requirements applicable to high-risk AI systems. ***Providers*** should also ***be encouraged to apply on a voluntary basis additional requirements related, for example, to environmental sustainability, accessibility to persons with disability, stakeholders' participation in the design and development of AI systems, and diversity of the development teams.*** The Commission may develop initiatives, including of a sectorial nature, to facilitate

###### *Amendment*

(81) The development of AI systems other than high-risk AI systems in accordance with the requirements of this Regulation may lead to a larger uptake of trustworthy, ***socially responsible and environmentally sustainable*** artificial intelligence in the Union. Providers of non-high-risk AI systems should create codes of conduct intended to foster the voluntary application of the mandatory requirements applicable to high-risk AI systems. ***Developers and deployers of all AI systems*** should also ***draw up codes of conduct in order to ensure and demonstrate compliance with the ethical principles underpinning trustworthy AI.*** The Commission ***and the European Agency for Data and Artificial Intelligence*** may develop initiatives, including of a sectorial nature, to facilitate

the lowering of technical barriers hindering cross-border exchange of data for AI development, including on data access infrastructure, semantic and technical interoperability of different types of data.

the lowering of technical barriers hindering cross-border exchange of data for AI development, including on data access infrastructure, semantic and technical interoperability of different types of data.

Or. en

**Amendment 138**  
**Victor Negrescu**

**Proposal for a regulation**  
**Recital 83**

*Text proposed by the Commission*

(83) In order to ensure trustful and constructive cooperation of competent authorities on Union and national level, all parties involved in the application of this Regulation should respect the confidentiality of information and data obtained in carrying out their tasks.

*Amendment*

(83) In order to ensure trustful and constructive cooperation of competent authorities on Union and national level, all parties involved in the application of this Regulation should respect the confidentiality of information and data obtained in carrying out their tasks. ***A new set of common European guidelines and standards should be set up in order to protect privacy while making an effective use of the data available.***

Or. en

**Amendment 139**  
**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**  
**Recital 85**

*Text proposed by the Commission*

(85) In order to ensure that the regulatory framework can be adapted where necessary, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend the techniques and approaches referred to in Annex I to define AI systems, the Union harmonisation legislation listed in Annex

*Amendment*

(85) In order to ensure that the regulatory framework can be adapted where necessary, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend the techniques and approaches referred to in Annex I to define AI systems, the Union harmonisation legislation listed in Annex

II, the high-risk AI systems listed in Annex III, the provisions regarding technical documentation listed in Annex IV, the content of the EU declaration of conformity in Annex V, the provisions regarding the conformity assessment procedures in Annex VI and VII and the provisions establishing the high-risk AI systems to which the conformity assessment procedure based on assessment of the quality management system and assessment of the technical documentation should apply. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>58</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>58</sup> OJ L 123, 12.5.2016, p. 1.

II, the high-risk AI systems listed in Annex III, the provisions regarding technical documentation listed in Annex IV, the content of the EU declaration of conformity in Annex V, the provisions regarding the conformity assessment procedures in Annex VI and VII and the provisions establishing the high-risk AI systems to which the conformity assessment procedure based on assessment of the quality management system and assessment of the technical documentation should apply. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>58</sup>. ***Such consultations may involve qualified specialists, including from the private sector and industries, with skills and knowledge relevant to the task.*** In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>58</sup> OJ L 123, 12.5.2016, p. 1.

Or. en

## **Amendment 140**

**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

### **Proposal for a regulation**

#### **Recital 85**

*Text proposed by the Commission*

(85) In order to ensure that the regulatory framework can be adapted

*Amendment*

(85) In order to ensure that the regulatory framework can be adapted

where necessary, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend the techniques and approaches referred to in Annex I to define AI systems, the Union harmonisation legislation listed in Annex II, the high-risk AI systems listed in Annex III, the provisions regarding technical documentation listed in Annex IV, the content of the EU declaration of conformity in Annex V, the provisions regarding the conformity assessment procedures in Annex VI and VII and the provisions establishing the high-risk AI systems to which the conformity assessment procedure based on assessment of the quality management system and assessment of the technical documentation should apply. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at *expert* level, ***and that those consultations be conducted*** in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>58</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>58</sup> OJ L 123, 12.5.2016, p. 1.

where necessary, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend the techniques and approaches referred to in Annex I to define AI systems, the Union harmonisation legislation listed in Annex II, the high-risk AI systems listed in Annex III, the provisions regarding technical documentation listed in Annex IV, the content of the EU declaration of conformity in Annex V, the provisions regarding the conformity assessment procedures in Annex VI and VII and the provisions establishing the high-risk AI systems to which the conformity assessment procedure based on assessment of the quality management system and assessment of the technical documentation should apply. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at *the level of experts from different areas of society such as education, media and culture and from trade unions and consumer and data protection organisations*, in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>58</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>58</sup> OJ L 123, 12.5.2016, p. 1.

Or. de

## **Amendment 141**

**Vlad-Marius Botoș, Irena Joveva, Morten Løkkegaard**

### **Proposal for a regulation**

#### **Recital 86 a (new)**

*Text proposed by the Commission*

*Amendment*

***(86 a) Given the rapid technological developments and the required technical expertise in conducting the assessment of high-risk AI systems, the delegation of powers and the implementing powers of the Commission should be exercised with as much flexibility as possible. The Commission should regularly review Annex III , while consulting with the relevant stakeholders.***

Or. en

**Amendment 142**  
**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**  
**Recital 86 a (new)**

*Text proposed by the Commission*

*Amendment*

***(86 a) Given the rapid technological developments and the required technical expertise in conducting the assessment of high-risk AI systems, the delegation of powers and the implementing powers of the Commission should be exercised with as much flexibility as possible. The Commission should regularly review Annex III ,while consulting with the relevant stakeholders.***

Or. en

**Amendment 143**  
**Alessandro Panza**

**Proposal for a regulation**  
**Recital 89 a (new)**

*Text proposed by the Commission*

*Amendment*

***(89a) whereas territorial competitiveness***

*and business productivity cannot fail to take into account the spread of digital communications and technologies, and in particular the quality, accessibility and efficiency of public and private digital services, in which some EU Member States are significantly lagging behind;*

Or. it

**Amendment 144**  
**Alessandro Panza**

**Proposal for a regulation**  
**Recital 89 b (new)**

*Text proposed by the Commission*

*Amendment*

*(89b) whereas artificial intelligence has the potential to promote more connectedness between remote, mountainous and rural areas and cities and metropolitan areas and, therefore, suitable legislation should be considered;*

Or. it

**Amendment 145**  
**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

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

*Text proposed by the Commission*

*Amendment*

(a) harmonised rules for the *placing on the market, the putting into service* and the use of artificial intelligence systems ('AI systems') in the Union;

(a) harmonised rules for the *development, deployment* and the use of artificial intelligence systems ('AI systems') in the Union;

Or. en

**Amendment 146**  
**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) harmonised transparency rules for AI systems ***intended to interact with natural persons, emotion recognition systems and biometric categorisation systems, and AI systems used to generate or manipulate image, audio or video content;***

*Amendment*

(d) harmonised transparency rules for AI systems

Or. en

**Amendment 147**  
**Marcel Kolaja**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) harmonised transparency rules for AI systems intended to interact with natural persons, ***emotion recognition systems and biometric categorisation systems***, and AI systems used to generate or manipulate image, audio or video content;

*Amendment*

(d) harmonised transparency rules for AI systems intended to interact with natural persons and AI systems used to generate or manipulate image, audio or video content;

Or. en

**Amendment 148**  
**Petra Kammerevert**

**Proposal for a regulation**  
**Article 2 – paragraph 3**

*Text proposed by the Commission*

3. This Regulation shall not apply to AI systems developed or used exclusively for military purposes.

*Amendment*

3. This Regulation shall not apply to AI systems developed or used exclusively for military purposes. ***The use or development of AI systems in connection***

*with autonomous weapon systems is prohibited and shall be proscribed internationally.*

Or. de

**Amendment 149**  
**Petra Kammerevert**

**Proposal for a regulation**  
**Article 2 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. This Regulation shall not apply to academic research or to the development of AI systems solely for academic research purposes.**

Or. de

**Amendment 150**  
**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**  
**Article 2 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5 a. This Regulation shall not affect or undermine research and development activities related to AI systems and their output.**

Or. en

**Amendment 151**  
**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 1**

*Text proposed by the Commission*

*Amendment*



(1) ‘artificial intelligence system’ (AI system) means software that ***is developed with one or more of the techniques and approaches listed in Annex I and can***, for a given set of human-defined objectives, generate outputs such as content, predictions, recommendations, or decisions influencing the environments they interact with;

(1) ‘artificial intelligence system’ (AI system) means software that ***can, in an automated manner***, for a given set of human-defined objectives, generate outputs such as content, predictions, recommendations, or decisions influencing the environments they interact with;

Or. en

#### *Justification*

*In our opinion, the definition should focus in the outputs produced by AI systems that need to be regulated, instead than of the techniques listed in Annex I. AI develops at a very rapid pace and we risk to leave out of the scope AI systems, simply because they would not be listed. Therefore, we see no added value in Annex I.*

#### **Amendment 152**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 2**

##### *Text proposed by the Commission*

(2) ‘***provider***’ means a natural or legal person, public authority, agency or other body that develops an AI system or that has an AI system developed with a view to placing it on the market or putting it into service under its own name or trademark, whether for payment or free of charge;

##### *Amendment*

(2) ‘***developer***’ means a natural or legal person, public authority, agency or other body that develops an AI system or that has an AI system developed with a view to placing it on the market or putting it into service under its own name or trademark, whether for payment or free of charge, ***or that adapts a general purpose AI system to a specific purpose and use***;

Or. en

#### **Amendment 153**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**(2 a) ‘deployer’ means any natural or legal person, public authority, agency or other body putting into service an AI system developed by another entity without substantial modification, or using an AI system under its authority,**

Or. en

#### **Amendment 154**

**Dace Melbārde, Andrey Slabakov**

#### **Proposal for a regulation**

**Article 3 – paragraph 1 – point 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**(3 a) ‘deployer’ means an entity that puts into service an AI system developed by another entity without modification;**

Or. en

#### **Amendment 155**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa**

#### **Proposal for a regulation**

**Article 3 – paragraph 1 – point 4**

*Text proposed by the Commission*

*Amendment*

**(4) ‘user’ means any natural or legal person, public authority, agency or other body using an AI system under *its* authority, *except where the AI system is used in the course of a personal non-professional activity;***

**(4) ‘user’ means any natural or legal person, public authority, agency or other body using an AI system under *the* authority *of a deployer;***

Or. en

#### **Amendment 156**

**Vlad-Marius Botoș, Irena Joveva, Morten Løkkegaard**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 4**

*Text proposed by the Commission*

(4) ‘user’ means any natural or legal person, public authority, agency or other body using an AI system under its authority, except where the AI system is used in the course of a personal non-professional activity;

*Amendment*

(4) ‘user’ means any natural or legal person, public authority, ***educational and training institution***, agency or other body using an AI system under its authority, except where the AI system is used in the course of a personal non-professional activity

Or. en

**Amendment 157**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 8**

*Text proposed by the Commission*

(8) ‘operator’ means the ***provider***, the user, the authorised representative, the importer and the distributor;

*Amendment*

(8) ‘operator’ means the ***developer, the deployer***, the user, the authorised representative, the importer and the distributor;

Or. en

**Amendment 158**

**Vlad-Marius Botoș, Irena Joveva, Morten Løkkegaard**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 35**

*Text proposed by the Commission*

(35) ‘biometric categorisation system’ means an AI system for the purpose of assigning natural persons to specific categories, such as sex, age, hair colour, eye colour, tattoos, ethnic origin or sexual or political orientation, on the basis of their biometric data;

*Amendment*

(35) ‘biometric categorisation system’ means an AI system for the purpose of assigning natural persons to specific categories, such as sex, age, hair colour, eye colour, tattoos, ethnic origin, or sexual or political orientation, ***and others*** on the basis of their biometric data;

**Amendment 159**  
**Alessandro Panza**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 36**

*Text proposed by the Commission*

(36) ‘remote biometric identification system’ means an AI system for the purpose of identifying natural persons at a distance through the comparison of a person’s biometric data with the biometric data contained in a reference database, ***and without prior knowledge of the user of the AI system whether the person will be present and can be identified*** ;

*Amendment*

36) ‘remote biometric identification system’ means an AI system for the purpose of identifying natural persons at a distance through the comparison of a person’s biometric data with the biometric data contained in a reference database;

Or. it

**Amendment 160**  
**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 39**

*Text proposed by the Commission*

(39) ‘publicly accessible space’ means any physical place accessible to the public, regardless of whether certain conditions for access may apply;

*Amendment*

(39) ‘publicly accessible space’ means any physical ***or virtual*** place accessible to the public, regardless of whether certain conditions for access may apply ***and regardless of form of ownership***;

Or. de

**Amendment 161**  
**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 44 – point a**

*Text proposed by the Commission*

*Amendment*

(a) the death of a person or serious damage to a person's health, to property or the environment,

(a) the death of a person or serious damage to a person's ***fundamental rights***, health, to property or the environment, ***to democracy or the democratic rule of law***,

Or. en

## **Amendment 162**

**Vlad-Marius Botoș, Irena Joveva, Morten Løkkegaard**

### **Proposal for a regulation**

**Article 3 – paragraph 1 – point 44 a (new)**

*Text proposed by the Commission*

*Amendment*

***(44 a) 45 new ‘education and training institutions’ means providers where people of different ages gain education and training, including preschools, childcare, primary schools, secondary schools, tertiary education providers, vocational education and training and any type of lifelong learning providers authorized by national education authorities, excluding the NGOs and other economic operators providing vocational training and lifelong learning limited to the sector of their main activity.***

Or. en

## **Amendment 163**

**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

### **Proposal for a regulation**

**Article 3 – paragraph 1 – point 44 a (new)**

*Text proposed by the Commission*

*Amendment*

***(44a) ‘cultural institutions’ means institutions such as libraries, museums, theatres, concert halls, exhibition centres, architectural ensembles and multi-purpose arts venues, as well as their***

*virtual sections, which organise cultural education, democratic exchanges and research and provide ways and means of engaging with cultural heritage;*

Or. de

**Amendment 164**  
**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 44 a (new)**

*Text proposed by the Commission*

*Amendment*

*(44 a) 'deep fake' means manipulated or synthetic audio or visual media which feature persons purported to be authentic and truthful;*

Or. en

**Amendment 165**  
**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 44 a (new)**

*Text proposed by the Commission*

*Amendment*

*(44 a) 'AI literacy' means the skills, knowledge and understanding regarding AI systems*

Or. en

**Amendment 166**  
**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

**Proposal for a regulation**  
**Article 4**

*Text proposed by the Commission*

*Amendment*

*Article 4*

*deleted*

*Amendments to Annex I*

*The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the list of techniques and approaches listed in Annex I, in order to update that list to market and technological developments on the basis of characteristics that are similar to the techniques and approaches listed therein.*

Or. en

**Amendment 167**

**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**

**Article 4 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*In the drafting process of the relevant delegated acts, the Commission shall have input of all relevant stakeholders, including the European Artificial Intelligence Board as well as developers of AI systems and industry experts.*

Or. en

**Amendment 168**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

**Proposal for a regulation**

**Article 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 4 a**

**Trustworthy AI**

**1. All AI systems in the Union shall be developed, deployed and used in full respect of the EU Charter of Fundamental Rights.**

***2. In view of promoting trustworthy AI in the Union, and without prejudice to the requirements set out in Title III for high-risk AI systems, all AI systems shall be developed, deployed and used:***

***(a) in a lawful, fair and transparent manner ('lawfulness, fairness and transparency');***

***(b) in a manner that ensures that natural persons shall always be able to make informed decisions regarding such systems and these shall never undermine or override human autonomy ('human agency and oversight');***

***(c) in a manner that ensures their safe, accurate and reliable performance, with embedded safeguards to prevent any kind of individual or collective harm ('safety, accuracy, reliability and robustness');***

***(d) in a manner that guarantees privacy and data protection ('privacy');***

***(e) in a manner that privileges the integrity and quality of data, including with regard to access ('data governance');***

***(f) in a traceable, auditable and explainable manner that ensures responsibility and accountability for their outcomes and supports redress ('traceability, auditability, explainability and accountability');***

***(g) in a manner that does not discriminate against persons or groups of persons on the basis of unfair bias and that includes, to that end, the participation and input of relevant stakeholders ('non-discrimination and diversity');***

***(h) in an environmentally sustainable manner that minimises their environmental footprint, including with regard to the extraction and consumption of natural resources ('environmental sustainability');***

***(i) in a socially responsible manner that minimises their negative societal impact, especially with regard to social and gender inequalities and democratic***



*processes ('social responsibility');*

***3. In view of promoting trustworthy AI in the Union, any person or groups of persons affected by the use of an AI system shall have the right to an explanation in accordance with New Article 71, as well as the right to object to an automated decision made solely by an AI system, or relying to a significant degree on the output of an AI system, which produces legal or similarly significant effects concerning them. These rights are without prejudice to Article 22 of Regulation (EU) 2016/679.***

***4. The ethical principles underpinning trustworthy AI as described in paragraph 2 shall be taken into account by European Standardisation Organisations as outcome-based objectives when they develop harmonised standards for AI systems as referred to in Article 40(2b) and by the European Commission when developing common specifications as referred to in Article 41.***

***5. Developers and deployers shall specify in the mandatory Codes of Conduct referred to in Article 69, how these principles are taken into account in the course of their activities. For AI systems other than high-risk, developers and deployers should outline any concrete measures implemented to ensure respect for those principles. This obligation is without prejudice to the voluntary application to AI systems other than high-risk of the requirements set out in Title III.***

***6. In order to demonstrate compliance with this Article, developers and deployers shall, in addition to the obligations set out in paragraphs 5 and after drafting their codes of conduct, complete a trustworthy AI technology assessment. For high-risk AI systems, this assessment shall be part of the requirements under Article 16(a) and 29(4).***

Or. en

**Amendment 169**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

**Proposal for a regulation**

**Article 4 b (new)**

*Text proposed by the Commission*

*Amendment*

*Article 4 b*

*AI literacy*

- 1. When implementing this Regulation, the Union and the Member States shall promote measures and tools for the development of a sufficient level of AI literacy, across sectors and groups of operators concerned, including through education and training, skilling and reskilling programmes and while ensuring a proper gender and age balance, in view of allowing a democratic control of AI systems.*
- 2. Developers and deployers of AI systems shall promote tools and take measures to ensure a sufficient level of AI literacy of their staff and any other persons dealing with the operation and use of AI systems on their behalf, taking into account their technical knowledge, experience, education and training and the environment the AI systems are to be used in, and considering the persons or groups of persons on which the AI systems are to be used.*
- 3. Such literacy tools and measures shall consist, in particular, of the teaching and learning of basic notions and skills about AI systems and their functioning, including the different types of products and uses, their risks and benefits and the severity of the possible harm they can cause and its probability of occurrence.*
- 4. A sufficient level of AI literacy is one that contributes to the ability of operators to fully comply with and benefit from trustworthy AI, and in particular with the requirements laid down in this Regulation*

**Amendment 170**

**Vlad-Marius Botoș, Irena Joveva, Morten Løkkegaard**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the placing on the market, putting into service or use of an AI system that deploys ***subliminal*** techniques beyond a person’s consciousness ***in order*** to materially ***distort*** a person’s behaviour in a manner that causes or is likely to cause that person or another person physical or psychological harm;

*Amendment*

(a) the placing on the market, putting into service or use of an AI system that deploys ***psychological*** techniques beyond a person’s consciousness ***with the purpose, the effect or likely effect of*** to materially ***distorting*** a person’s behaviour in a manner that causes or is likely to cause that person or another person physical or psychological harm;

**Amendment 171**

**Alessandro Panza**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the placing on the market, putting into service or use of an AI system that deploys subliminal techniques beyond a person’s consciousness in order to materially distort a person’s behaviour in a manner that causes or is likely to cause that person or another person physical or psychological harm;

*Amendment*

(a) the placing on the market, putting into service or use of an AI system that deploys subliminal techniques beyond a person’s consciousness in order to materially distort a person’s behaviour ***or views*** in a manner that causes or is likely to cause that person or another person physical or psychological harm;

**Amendment 172**

**Dace Melbārde, Loucas Fourlas**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the placing on the market, putting into service or use of an AI system that deploys subliminal techniques beyond a person's consciousness in order to materially distort a person's behaviour in a manner **that causes or is likely** to cause that person or another person physical or psychological harm;

*Amendment*

(a) the placing on the market, putting into service or use of an AI system that deploys subliminal techniques beyond a person's consciousness in order to materially distort a person's behaviour in a manner **intended** to cause that person or another person physical or psychological harm;

Or. en

**Amendment 173**

**Vlad-Marius Botoș, Irena Joveva, Morten Løkkegaard**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the placing on the market, putting into service or use of an AI system that exploits any of the vulnerabilities of a specific group of persons due to their age, physical or mental **disability**, in order to materially distort the behaviour of a person pertaining to that group in a manner that causes or is likely to cause that person or another person physical or psychological harm;

*Amendment*

(b) the placing on the market, putting into service or use of an AI system that exploits any of the vulnerabilities of a **person or a** specific group of persons due to their **known or predicted personality or social or economic situation or due to their** age, physical or mental **capacity**, in order to materially distort the behaviour of a person pertaining to that group in a manner that causes or is likely to cause that person or another person physical or psychological harm;

Or. en

**Amendment 174**

**Christine Anderson**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the placing on the market, putting into service or use of an AI system that exploits any of the vulnerabilities of a specific group of persons due to their age, physical or mental disability, in order to materially distort the behaviour of a person pertaining to that group in a manner that **causes** or is likely to **cause** that person or another person physical or psychological harm;

*Amendment*

(b) the placing on the market, putting into service or use of an AI system that exploits any of the vulnerabilities of a specific group of persons due to their age, physical or mental disability, in order to materially distort the behaviour of a person pertaining to that group in a manner that **contributes** or is likely to **contribute to causing** that person or another person physical or psychological harm;

Or. en

**Amendment 175**  
**Alessandro Panza**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the placing on the market, putting into service or use of an AI system that exploits any of the vulnerabilities of a specific group of persons due to their age, physical or mental disability, in order to materially distort the behaviour of a person pertaining to that group in a manner that causes or is likely to cause that person or another person physical or psychological harm;

*Amendment*

(b) the placing on the market, putting into service or use of an AI system that exploits any of the vulnerabilities of a specific group of persons due to their age, physical or mental disability, in order to materially distort the behaviour **or views** of a person pertaining to that group in a manner that causes or is likely to cause that person or another person physical or psychological harm;

Or. it

**Amendment 176**  
**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the placing on the market, putting

*Amendment*

(b) the placing on the market, putting

into service or use of an AI system that exploits any of the vulnerabilities of a specific group of persons due to their age, physical or mental disability, in order to materially distort the behaviour of a person pertaining to that group in a manner that causes or is likely to cause that person or another person physical or psychological harm;

into service or use of an AI system that ***deliberately*** exploits any of the vulnerabilities of a specific group of persons due to their age, physical or mental disability, in order to materially distort the behaviour of a person pertaining to that group in a manner that causes or is likely to cause that person or another person physical or psychological harm;

Or. en

#### **Amendment 177**

**Loucas Fourlas, Iuliu Winkler, Sabine Verheyen, Theodoros Zagorakis, Michaela Šojdrová, Peter Pollák, François-Xavier Bellamy, Isabel Benjumea Benjumea, Milan Zver**

#### **Proposal for a regulation**

#### **Article 5 – paragraph 1 – point b**

##### *Text proposed by the Commission*

(b) the placing on the market, putting into service or use of an AI system that exploits any of the vulnerabilities of a specific group of persons due to their age, physical or mental disability, in order to materially distort the behaviour of a person pertaining to that group in a manner that causes or is likely to cause that person or another person physical or psychological harm;

##### *Amendment*

(b) the placing on the market, putting into service or use of an AI system that exploits any of the vulnerabilities of ***children or*** a specific group of persons due to their age, physical or mental disability, in order to materially distort the behaviour of a person pertaining to that group in a manner that causes or is likely to cause that person or another person physical or psychological harm;

Or. en

#### **Amendment 178**

**Petra Kammerevert**

#### **Proposal for a regulation**

#### **Article 5 – paragraph 1 – point b a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

***(ba) the placing on the market, putting into service or use of an AI system intended to cause persons unfair***

*economic harm;*

Or. de

**Amendment 179**  
**Petra Kammerevert**

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

*Text proposed by the Commission*

*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, with the social score leading to either or both of the following:

(c) the placing on the market, putting into service or use of AI systems by public authorities or ***by undertakings whose services for people's social participation are particularly significant, 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:

Or. de

*Justification*

*Not only public authorities, but also undertakings with market power that use AI systems to assess social behaviour can develop unacceptable potential for discrimination, bringing about pressure on users to adapt accordingly.*

**Amendment 180**  
**Vlad-Marius Botoș, Irena Joveva, Morten Løkkegaard**

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

*Text proposed by the Commission*

*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

(c) the placing on the market, putting into service or use of AI systems by public authorities, ***educational institutions*** or on their behalf for the evaluation or classification of the trustworthiness of

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:

natural persons over a certain period of time based on their social **and emotional** behaviour or known or predicted personal or personality characteristics, with the social score leading to either or **all** of the following:

Or. en

#### **Amendment 181**

**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

#### **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 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:

Or. de

#### **Amendment 182**

**Christine Anderson**

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

Or. en



**Amendment 183**

**Vlad-Marius Botoș, Irena Joveva, Morten Løkkegaard**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

**(ii a) (iii) mandatory determining the areas of study a student should follow;**

Or. en

**Amendment 184**

**Marcel Kolaja**

**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 emotion recognition systems unless such use is strictly for the purposes of the Regulation 2016/679 Article 9 (2) h), i) and j)**

Or. en

**Amendment 185**

**Marcel Kolaja**

**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 AI systems targeting minors intended to be used for monitoring or detecting prohibited behaviour of minors during tests at educational and training institutions**

**Amendment 186**

**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

**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 remote biometric identification systems in publicly accessible spaces;

Or. de

**Amendment 187**

**Petra Kammerevert**

**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 unless and in as far as such use is strictly necessary for one of the following objectives:

Or. de

*Justification*

*The ban on the use of real-time remote identification systems should apply across the board, as a matter of principle, and not only in connection with law enforcement purposes. Furthermore, the following point (ii) relates to threat prevention, but not to repressive law enforcement.*

**Amendment 188**

**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

**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. de

**Amendment 189**  
**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

**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. de

**Amendment 190**  
**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

**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/JHA<sup>62</sup> 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***

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<sup>62</sup> *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. de

**Amendment 191**  
**Petra Kammerevert**

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

*Text proposed by the Commission*

(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/JHA<sup>62</sup> 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.

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<sup>62</sup> 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*

(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/JHA<sup>62</sup> and punishable in the Member State concerned by a custodial sentence or a detention order for a period of at least three years, as determined by the law of that Member State.

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<sup>62</sup> 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. de

**Amendment 192**  
**Petra Kammerevert**

**Proposal for a regulation**  
**Article 5 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. Providers shall be required to comply with fundamental rights, bans on discrimination, rules laid down herein and other statutory provisions right from the AI system design and development stages or the contracting stage.**

Or. de

**Amendment 193**

**Diana Riba i Giner, Sergey Lagodinsky, Kim Van Sparrentak**

**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 can be used for intrusive monitoring and flagging to identify or deter rule-breaking or fraud**

Or. en

**Amendment 194**

**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

**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. de

**Amendment 195**  
**Petra Kammerevert**

**Proposal for a regulation**  
**Article 5 – paragraph 2 – introductory part**

*Text proposed by the Commission*

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:

*Amendment*

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

Or. de

**Amendment 196**  
**Petra Kammerevert**

**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**

*Amendment*

In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces **in order to achieve** any

**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.

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. de

## **Amendment 197**

**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

### **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. de

**Amendment 198**  
**Petra Kammerevert**

**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 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.

Or. de

**Amendment 199**  
**Martina Michels, Pernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

**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***

*Amendment*

***deleted***



*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. de

**Amendment 200**  
**Petra Kammerevert**

**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 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.

Or. de

### *Justification*

*Since the system referred to in paragraph 1(d)(ii) is intended to be used for threat prevention purposes, too, the repeated reference in the article to 'for the purpose of law enforcement' is neither useful nor necessary.*

#### **Amendment 201**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa**

#### **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 ***due to their risk to cause harm to health, safety, the environment, fundamental rights or to democracy and the rule of law.***

Or. en

#### **Amendment 202**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

#### **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 and the European Agency for Data and AI,*** to update the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled:

Or. en

#### **Amendment 203**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa**

**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*

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

Or. en

**Amendment 204**  
**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa**

**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 harm to the **environment**, health and safety, or a risk of adverse impact on fundamental rights, **democracy and 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 205**  
**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**  
**Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1 a. When adopting a delegated act, the Commission shall have input of all relevant stakeholders, including the European Artificial Intelligence Board as well as developers of AI systems and industry experts.**

## Amendment 206

Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa

### 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 **environment**, health and safety or a risk of adverse impact on fundamental rights, **democracy and the 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 take into account the following criteria:

Or. en

## Amendment 207

Christine Anderson

### 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 to the health and safety or a risk **to undermine** fundamental rights (**like with abusive censorship**) 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 208

**Petra Kammerevert**

**Proposal for a regulation**

**Article 7 – paragraph 2 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

**(da)** *the potential extent of significant economic harm to a large number of consumers;*

Or. de

**Amendment 209**

**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**

**Article 7 – paragraph 2 – point e**

*Text proposed by the Commission*

*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;

(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 to directly inform decision-making process***, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;

Or. en

**Amendment 210**

**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**

**Article 7 – paragraph 2 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

**(g a)** *the extent to which the relevant AI systems benefit individuals and society at large;*

**Amendment 211**  
**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**  
**Article 7 – paragraph 2 – point g b (new)**

*Text proposed by the Commission*

*Amendment*

**(g b) the extent to which the AI system acts autonomously;**

Or. en

**Amendment 212**  
**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**  
**Article 7 – paragraph 2 – point g c (new)**

*Text proposed by the Commission*

*Amendment*

**(g c) general capabilities and functionalities of the AI system independent of its intended purpose;**

Or. en

**Amendment 213**  
**Christine Anderson**

**Proposal for a regulation**  
**Article 9 – paragraph 4 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) *elimination or* reduction of risks as far as possible through adequate design and development;**

**(a) reduction of risks as far as possible through adequate design and development;**

Or. en

## Amendment 214

Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu

### Proposal for a regulation

#### Article 9 – paragraph 4 – subparagraph 1 – point c a (new)

*Text proposed by the Commission*

*Amendment*

*(c a) provision of a sufficient level of AI literacy*

Or. en

## Amendment 215

Christine Anderson

### Proposal for a regulation

#### Article 9 – paragraph 4 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

In *eliminating or* reducing risks related to the use of the high-risk AI system, due consideration shall be given to the technical knowledge, experience, education, training to be expected by the user and the environment in which the system is intended to be used.

In reducing risks related to the use of the high-risk AI system, due consideration shall be given to the technical knowledge, experience, education, training to be expected by the user and the environment in which the system is intended to be used.

Or. en

## Amendment 216

Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu

### Proposal for a regulation

#### Article 9 – paragraph 8

*Text proposed by the Commission*

*Amendment*

8. When implementing the risk management system described in paragraphs 1 to 7, specific consideration shall be given to whether the high-risk AI system is likely to be accessed by or have an impact on children.

8. When implementing the risk management system described in paragraphs 1 to 7, specific consideration shall be given to whether the high-risk AI system is likely to be accessed by or have an impact on children, *the elderly, migrants or other vulnerable groups.*

**Amendment 217**

**Victor Negrescu**

**Proposal for a regulation**

**Article 9 – paragraph 8**

*Text proposed by the Commission*

8. When implementing the risk management system described in paragraphs 1 to 7, specific consideration shall be given to whether the high-risk AI system is likely to be accessed by or have an impact on children.

*Amendment*

8. When implementing the risk management system described in paragraphs 1 to 7, specific consideration shall be given to whether the high-risk AI system is likely to be accessed by or have an impact on children ***and people from vulnerable groups.***

Or. en

**Amendment 218**

**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**

**Article 10 – paragraph 1**

*Text proposed by the Commission*

1. High-risk AI systems which make use of techniques involving the training of models with data shall be developed on the basis of training, validation and testing data sets that meet the quality criteria referred to in paragraphs 2 to 5.

*Amendment*

1. High-risk AI systems which make use of techniques involving the training of models with data shall be developed, ***to the extent technically feasible,*** on the basis of training, validation and testing data sets that meet the quality criteria referred to in paragraphs 2 to 5.

Or. en

**Amendment 219**

**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**

**Article 10 – paragraph 2 – introductory part**



*Text proposed by the Commission*

2. Training, validation and testing data sets shall be subject to appropriate data governance and management practices. Those practices shall concern in particular,

*Amendment*

2. ***To the extent technically feasible,*** training, validation and testing data sets shall be subject to appropriate data governance and management practices. Those practices shall concern in particular,

Or. en

**Amendment 220**

**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**

**Article 10 – paragraph 2 – point f**

*Text proposed by the Commission*

(f) examination in view of possible biases;

*Amendment*

(f) examination in view of possible biases, ***in particular deviations that could affect health and safety of people or lead to discrimination;***

Or. en

**Amendment 221**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

**Proposal for a regulation**

**Article 10 – paragraph 2 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(g a) the purpose and the environment in which the system is to be used;***

Or. en

**Amendment 222**

**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**

**Article 10 – paragraph 4**

*Text proposed by the Commission*

4. Training, validation and testing data sets shall take into account, to the extent required by the intended purpose, the characteristics or elements that are particular to the specific geographical, behavioural or functional setting within which the high-risk AI system is intended to be used.

*Amendment*

4. Training, validation and testing data sets shall take into account, to the extent ***technically feasible and*** required by the intended purpose, the characteristics or elements that are particular to the specific geographical, behavioural or functional setting within which the high-risk AI system is intended to be used.

Or. en

**Amendment 223**

**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**

**Article 12 – paragraph 1**

*Text proposed by the Commission*

1. High-risk AI systems shall be designed and developed with capabilities enabling the ***automatic*** recording of events ('logs') while the high-risk AI systems is operating. Those logging capabilities shall conform to recognised standards or common specifications.

*Amendment*

1. High-risk AI systems shall be designed and developed with capabilities enabling the ***technical possibility for*** recording of events ('logs') while the high-risk AI systems is operating. Those logging capabilities shall conform to recognised standards or common specifications.

Or. en

**Amendment 224**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

**Proposal for a regulation**

**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. High-risk AI systems shall be designed and developed in such a way to ensure that their operation is sufficiently transparent to enable users ***to*** interpret the system's output and use it appropriately. ***An appropriate type and degree of transparency shall be ensured***, with a

*Amendment*

1. High-risk AI systems shall be designed and developed in such a way to ensure that their operation is sufficiently transparent to enable ***developers, deployers, users and other relevant stakeholders to easily*** interpret the system's ***functioning and*** output and use it

view to achieving compliance with the relevant obligations *of the user and of the provider* set out in Chapter 3 of this Title.

appropriately *on the basis of informed decisions*, with a view to achieving compliance with the relevant obligations set out in Chapter 3 of this Title

Or. en

#### **Amendment 225**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

#### **Proposal for a regulation**

#### **Article 13 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3 a. In order to comply with the obligations established in this Article, developers and deployers shall ensure a sufficient level of AI literacy in line with New Article 4b.**

Or. en

#### **Amendment 226**

**Dace Melbārde, Andrey Slabakov**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 3 – introductory part**

*Text proposed by the Commission*

*Amendment*

3. Human oversight shall be ensured through either one or all of the following measures:

**3. The degree of human oversight shall be proportionate to the relevant risks, the level of automation and the intended purpose of the AI system. The relevant oversight shall be ensured through either one or all of the following measures:**

Or. en

#### **Amendment 227**

**Dace Melbārde, Andrey Slabakov**

#### **Proposal for a regulation**

## Article 14 – paragraph 4 – point a

*Text proposed by the Commission*

(a) **fully** understand the capacities and limitations of the high-risk AI system and be able to duly monitor its operation, so that signs of anomalies, dysfunctions and unexpected performance can be detected and addressed as soon as possible;

*Amendment*

(a) **sufficiently** understand the capacities and limitations of the high-risk AI system and be able to duly monitor its operation, so that signs of anomalies, dysfunctions and unexpected performance can be detected and addressed as soon as possible;

Or. en

## Amendment 228

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

### Proposal for a regulation

#### Article 14 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

**5 a. In order to comply with the obligations established in this Article, developers and deployers shall ensure a sufficient level of AI literacy in line with new Article 4b**

Or. en

## Amendment 229

**Dace Melbārde, Andrey Slabakov**

### Proposal for a regulation

#### Article 15 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. High-risk AI systems shall be designed and developed in such a way that they achieve, in the light of their intended purpose, **an appropriate** level of accuracy, robustness and cybersecurity, and perform consistently in those respects throughout their lifecycle.

1. High-risk AI systems shall be designed and developed in such a way that they achieve, in the light of their intended purpose, **a reasonably expected** level of accuracy, robustness and cybersecurity, and perform consistently in those respects throughout their lifecycle.

**Amendment 230****Dace Melbārde, Andrey Slabakov****Proposal for a regulation****Article 15 – paragraph 3 – introductory part***Text proposed by the Commission*

3. High-risk AI systems shall be resilient as regards errors, faults or inconsistencies that may occur within the system or the environment in which the system operates, in particular due to their interaction with natural persons or other systems.

*Amendment*

3. ***Sufficient and technically feasible measures shall be taken to ensure that*** high-risk AI systems shall be resilient as regards errors, faults or inconsistencies that may occur within the system or the environment in which the system operates, in particular due to their interaction with natural persons or other systems.

Or. en

**Amendment 231****Dace Melbārde, Andrey Slabakov****Proposal for a regulation****Article 23 – paragraph 1***Text proposed by the Commission*

Providers of high-risk AI systems shall, upon request by a national competent authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of the high-risk AI system with the requirements set out in Chapter 2 of this Title, in an official Union language determined by the Member State concerned. Upon a reasoned request from a national competent authority, providers shall also give that authority access to the logs automatically generated by the high-risk AI system, to the extent such logs are under their control by virtue of a contractual arrangement with the user or otherwise by law.

*Amendment*

Providers of high-risk AI systems shall, upon request by a national competent authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of the high-risk AI system with the requirements set out in Chapter 2 of this Title, in an official Union language determined by the Member State concerned. Upon a reasoned request from a national competent authority, providers shall also give that authority access to the logs automatically generated by the high-risk AI system, to the extent such logs are under their control by virtue of a contractual arrangement with the user or otherwise by law. ***In accordance with***

*Article 70(2), the national competent authorities shall not disclose and keep confidential all trade secrets or otherwise commercially sensitive information contained in the information received.*

Or. en

#### **Amendment 232**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

#### **Proposal for a regulation**

#### **Article 29 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1 a. In order to comply with the obligations established in this Article, as well as to be able to justify their possible non-compliance, deployers of high-risk AI systems shall ensure a sufficient level of AI literacy in line with new Article 4b;**

Or. en

#### **Amendment 233**

**Dace Melbārde, Andrey Slabakov**

#### **Proposal for a regulation**

#### **Article 41 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The Commission, when preparing the common specifications referred to in paragraph 1, shall gather the views of relevant bodies or expert groups established under relevant sectorial Union law.

2. The Commission, when preparing the common specifications referred to in paragraph 1, shall gather the views of **applicable stakeholders, including industry representatives, SMEs as well as other** relevant bodies or expert groups established under relevant sectorial Union law.

Or. en

## Amendment 234

Dace Melbārde, Andrey Slabakov

### Proposal for a regulation

#### Article 42 – paragraph 2

*Text proposed by the Commission*

2. High-risk AI systems that have been certified or for which a statement of conformity has been issued under a cybersecurity scheme pursuant to Regulation (EU) 2019/881 of the European Parliament and of the Council<sup>63</sup> and the references of which have been published in the Official Journal of the European Union shall be presumed to be in compliance with the cybersecurity requirements set out in Article 15 of this Regulation in so far as the cybersecurity certificate or statement of conformity or parts thereof cover those requirements.

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<sup>63</sup> Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act) (OJ L 151, 7.6.2019, p. 1).

*Amendment*

2. High-risk AI systems that have been certified or for which a statement of conformity has been issued under a cybersecurity scheme pursuant to Regulation (EU) 2019/881 of the European Parliament and of the Council<sup>63</sup> and the references of which have been published in the Official Journal of the European Union shall be presumed to be in compliance with the cybersecurity requirements set out in Article 15, **where applicable**, of this Regulation in so far as the cybersecurity certificate or statement of conformity or parts thereof cover those requirements.

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<sup>63</sup> Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act) (OJ L 151, 7.6.2019, p. 1).

Or. en

## Amendment 235

Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu

### Proposal for a regulation

#### Article 52 – paragraph 1

*Text proposed by the Commission*

1. **Providers** shall ensure that AI systems **intended** to interact with natural persons are designed and developed in such a way that natural persons are

*Amendment*

1. **Developers and deployers** shall ensure that AI systems **used** to interact with natural persons are designed and developed in such a way that natural

informed that they are interacting with an AI system, unless this is obvious from the circumstances and the context of use. This obligation shall not apply to AI systems authorised by law to detect, prevent, investigate and prosecute criminal offences, unless those systems are available for the public to report a criminal offence.

persons are informed, ***in a timely, clear and intelligible manner*** that they are interacting with an AI system, unless this is obvious from the circumstances and the context of use. ***This information shall also include, as appropriate, the functions that are AI enabled, and the rights and processes to allow natural persons to appeal against the application of such AI systems to them.*** This obligation shall not apply to AI systems authorised by law to detect, prevent, investigate and prosecute criminal offences, unless those systems are available for the public to report a criminal offence.

Or. en

#### **Amendment 236**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

#### **Proposal for a regulation Article 52 – paragraph 2**

##### *Text proposed by the Commission*

2. Users of an emotion recognition system or a biometric categorisation system shall inform of the operation of the system the natural persons exposed thereto. This obligation shall not apply to AI systems used for biometric categorisation, which are permitted by law to detect, prevent and investigate criminal offences.

##### *Amendment*

2. Users of an emotion recognition system or a biometric categorisation system shall inform, ***in a timely, clear and intelligible manner***, of the operation of the system ***to*** the natural persons exposed thereto. ***This information shall also include, as appropriate, the rights and processes to allow natural persons to appeal against the application of such AI system to them.*** This obligation shall not apply to AI systems used for biometric categorisation, which are permitted by law to detect, prevent and investigate criminal offences.

Or. en

#### **Amendment 237**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**



**Proposal for a regulation**  
**Article 52 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. Users of an AI system that generates or manipulates image, audio or video content that appreciably resembles existing persons, objects, places or other entities or events and would falsely appear to a person to be authentic or truthful ('deep fake'), shall disclose that the content has been artificially generated or manipulated.

*Amendment*

3. **Deployers and** users of an AI system that generates or manipulates image, audio, **text, scripts** or video content that appreciably resembles existing persons, objects, places, **text, scripts** or other entities or events and would falsely appear to a person to be authentic or truthful ('deep fake'), shall disclose **in an appropriate timely, clear and visible manner**, that the content has been artificially generated or manipulated, **as well as the name of the person or entity that generated or manipulated it.**

Or. en

**Amendment 238**  
**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**  
**Article 52 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. Users of an AI system that generates or manipulates image, audio or video content that appreciably resembles existing persons, objects, places or other entities or events and would falsely appear to a person to be authentic or truthful ('deep fake'), shall disclose that the content has been artificially generated or manipulated.

*Amendment*

3. Users of an AI system that generates or manipulates image, audio or video content that appreciably resembles existing persons, objects, places or other entities or events and would falsely appear to a person to be authentic or truthful ('deep fake'), shall disclose that the content has been artificially generated or manipulated. **Users shall be able to opt out of such disclosure notifications.**

Or. en

**Amendment 239**  
**Loucas Fourlas, Iuliu Winkler, Sabine Verheyen, Theodoros Zagorakis, Michaela Šojdrová, Peter Pollák, François-Xavier Bellamy, Milan Zver**

## Proposal for a regulation

### Article 52 – paragraph 3 – introductory part

*Text proposed by the Commission*

3. Users of an AI system that generates or manipulates image, audio or video content that appreciably resembles existing persons, objects, places or other entities or events and would falsely appear to a person to be authentic or truthful ('deep fake'), shall disclose that the content has been artificially generated or manipulated.

*Amendment*

3. Users of an AI system that generates or manipulates image, audio or video content that appreciably resembles existing persons, objects, places or other entities or events and would falsely appear to a person to be authentic or truthful ('deep fake'), shall disclose ***in an appropriate clear, repetitive and visible manner*** that the content has been artificially generated or manipulated.

Or. en

## Amendment 240

Dace Melbārde, Andrey Slabakov

## Proposal for a regulation

### Article 52 – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

However, the first subparagraph shall not apply where the use is authorised by law to detect, prevent, investigate and prosecute criminal offences or it is necessary for the exercise of the right to freedom of expression and the right to freedom of the arts and sciences guaranteed in the Charter of Fundamental Rights of the EU, and subject to appropriate safeguards for the rights and freedoms of third parties.

*Amendment*

However, the first subparagraph shall not apply where the use is authorised by law to detect, prevent, investigate and prosecute criminal offences ***or where the content forms part of an evidently artistic, creative or fictional cinematographic and analogous work***, or it is necessary for the exercise of the right to freedom of expression and the right to freedom of the arts and sciences guaranteed in the Charter of Fundamental Rights of the EU, and subject to appropriate safeguards for the rights and freedoms of third parties.

Or. en

## Amendment 241

Loucas Fourlas, Iuliu Winkler, Sabine Verheyen, Theodoros Zagorakis, Michaela Šojdrová, Peter Pollák, François-Xavier Bellamy, Dace Melbārde, Milan Zver

**Proposal for a regulation**  
**Article 52 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

However, the first subparagraph shall not apply where the use is authorised by law to detect, prevent, investigate and prosecute criminal offences or it is necessary for the exercise of the right to freedom of expression and the right to freedom of the arts and sciences guaranteed in the Charter of Fundamental Rights of the EU, and subject to appropriate safeguards for the rights and freedoms of third parties.

*Amendment*

However, the first subparagraph shall not apply where the use is authorised by law to detect, prevent, investigate and prosecute criminal offences or ***where the content forms part of an evidently artistic, creative or fictional cinematographic and analogous work-or*** it is necessary for the exercise of the right to freedom of expression and the right to freedom of the arts and sciences guaranteed in the Charter of Fundamental Rights of the EU, and subject to appropriate safeguards for the rights and freedoms of third parties.

Or. en

**Amendment 242**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

**Proposal for a regulation**  
**Article 52 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

However, the first subparagraph shall not apply where the use ***is authorised by law to detect, prevent, investigate and prosecute criminal offences*** or it is necessary for the exercise of the right to freedom of expression and the right to freedom of the arts and sciences guaranteed in the Charter of Fundamental Rights of the EU, and subject to appropriate safeguards for the rights and freedoms of third parties.

*Amendment*

However, the first subparagraph shall not apply where the use ***forms part of an evidently artistic, creative or fictional cinematographic or analogous work*** or it is necessary for the exercise of the right to freedom of expression and the right to freedom of the arts and sciences guaranteed in the Charter of Fundamental Rights of the EU, and subject to appropriate safeguards for the rights and freedoms of third parties.

Or. en

**Amendment 243**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

**Proposal for a regulation**  
**Article 52 – paragraph 3 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Developers and deployers of an AI systems that recommend, disseminate and order news or creative and cultural content shall disclose in an appropriate, easily accesible, clear and visible manner, the parameters used for the moderation of content and personalised suggestions. This information shall include a disclaimer.***

Or. en

**Amendment 244**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

**Proposal for a regulation**  
**Article 52 – paragraph 3 – subparagraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***The information referred to in previous paragraphs shall be provided to the natural persons in a timely, clear and visible manner, at the latest at the time of the first interaction or exposure. Such information shall be made accessible when the exposed natural person is a person with disabilities, a child or from a vulnerable group. It shall be complete, where possible, with intervention or flagging procedures for the exposed natural person taking into account the generally acknowledged state of the art and relevant harmonised standards and common specifications.***

Or. en

**Amendment 245**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

**Proposal for a regulation**  
**Article 52 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4 a. In order to comply with the obligations established in this Article, a sufficient level of AI literacy shall be ensured.**

Or. en

**Amendment 246**  
**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**  
**Article 55 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a. The Commission shall regularly assess certification and compliance costs for small-scale providers and, within its merit, try to take reasonable steps to minimise the compliance costs for the above providers.**

Or. en

**Amendment 247**  
**Dace Melbārde, Andrey Slabakov**

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

*Text proposed by the Commission*

*Amendment*

**(a a) work towards promoting uptake of AI within the EU, especially amongst SMEs;**

Or. en

**Amendment 248**

**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation  
Article 57 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 249**

**Dace Melbārde, Loucas Fourlas**

**Proposal for a regulation  
Article 57 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 250**

**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation  
Article 58 – paragraph 1 – point b**

*Text proposed by the Commission*

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

*Amendment*

(b) contribute to uniform administrative practices in the Member States, including for the functioning of regulatory sandboxes referred to in Article 53 ***so as to help promote and unleash the full potential of AI;***

Or. en

## **Amendment 251**

**Dace Melbārde, Andrey Slabakov**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***(c a) identify and help address existing bottlenecks;***

Or. en

## **Amendment 252**

**Dace Melbārde, Andrey Slabakov**

### **Proposal for a regulation**

**Article 64 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Access to data and documentation in the context of their activities, the market surveillance authorities shall be granted full access to the training, validation and testing datasets used by the provider, including through application programming interfaces ('API') or other appropriate technical means and tools enabling remote access.

1. ***Upon reasoned request*** access to data and documentation in the context of their activities, the market surveillance authorities shall be granted full access to the training, validation and testing datasets used by the provider, including through application programming interfaces ('API') or other appropriate technical means and tools enabling remote access.

Or. en

## Amendment 253

Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu

### Proposal for a regulation

#### Article 69 – paragraph 1

*Text proposed by the Commission*

1. The Commission and the Member States shall ***encourage and facilitate the*** drawing up of codes of conduct intended to foster the voluntary application to AI systems other than high-risk AI systems of the requirements set out in Title III, Chapter 2 on the basis of technical specifications and solutions that are appropriate means of ensuring compliance with such requirements in light of the ***intended*** purpose of the systems.

*Amendment*

1. The Commission and the Member States shall ***support the mandatory*** drawing up of codes of conduct intended ***to demonstrate compliance with the ethical principles underpinning trustworthy AI set out in new Article 4a and*** to foster the voluntary application to AI systems other than high-risk AI systems of the requirements set out in Title III, Chapter 2 on the basis of technical specifications and solutions that are appropriate means of ensuring compliance with such requirements in light of the purpose of the systems.

Or. en

## Amendment 254

Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu

### Proposal for a regulation

#### Article 69 – paragraph 2

*Text proposed by the Commission*

2. ***The Commission and the Board shall encourage and facilitate*** the drawing up ***of*** codes of conduct intended to ***foster the voluntary application to*** AI systems ***of requirements related for example to environmental sustainability, accessibility for persons with a disability, stakeholders participation in the design and development of the*** AI systems ***and diversity of*** development teams ***on the basis of clear objectives and key performance indicators to measure the achievement of those objectives.***

*Amendment*

2. ***In*** the drawing up codes of conduct intended to ***ensure and demonstrate compliance with the ethical principles underpinning trustworthy AI set out in Article 4a, developers and deployers shall, in particular:***

***(a) consider whether there is a sufficient level of AI literacy among their staff and***



*any other persons dealing with the operation and use of AI systems in order to observe such principles;*

*(b) assess to what extent their AI systems may affect vulnerable persons or groups of persons, including children, the elderly, migrants and persons with disabilities or whether any measures could be put in place in order to support such persons or groups of persons;*

*(c) pay attention to the way in which the use of their AI systems may have an impact on gender balance and equality;*

*(d) have especial regard to whether their AI systems can be used in a way that, directly or indirectly, may residually or significantly reinforce existing biases or inequalities;*

*(e) reflect on the need and relevance of having in place diverse development teams in view of securing an inclusive design of their systems;*

*(f) give careful consideration to whether their systems can have a negative societal impact, notably concerning political institutions and democratic processes;*

*(g) evaluate the extent to which the operation of their AI systems would allow them to fully comply with the obligation to provide an explanation laid down in Article New 71 of this Regulation;*

*(h) take stock of the Union's commitments under the European Green Deal and the European Declaration on Digital Rights and Principles;*

*(i) state their commitment to privileging, where reasonable and feasible, the common specifications to be drafted by the Commission pursuant to Article 41 rather than their own individual technical solutions.*

Or. en

## Amendment 255

Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu

### Proposal for a regulation

#### Article 69 – paragraph 3

*Text proposed by the Commission*

3. Codes of conduct may be drawn up by individual providers of AI systems or by organisations representing them or by both, including with the involvement of users and any interested stakeholders and their representative organisations. Codes of conduct may cover one or more AI systems taking into account the similarity of the intended purpose of the relevant systems.

*Amendment*

3. Codes of conduct may be drawn up by individual providers of AI systems or by organisations representing them or by both, including with the involvement of users and any interested stakeholders and their representative organisations, ***including in particular trade unions and consumers organisations***. Codes of conduct may cover one or more AI systems taking into account the similarity of the intended purpose of the relevant systems.

Or. en

## Amendment 256

Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu

### Proposal for a regulation

#### Article 69 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3 a. Developers and deployers shall designate at least one natural person that is responsible for the internal monitoring of the drawing up of their code of conduct and for verifying compliance with that code of conduct in the course of their activities. That person shall serve as a contact point for users, stakeholders, national competent authorities, the Commission and the European Agency for Data and AI on all matters concerning the code of conduct.***

Or. en

## Amendment 257

**Proposal for a regulation**  
**Article 69 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3 b.** *In order to comply with the obligations established in this Article, developers and deployers shall ensure a sufficient level of AI literacy in line with New Article 6.*

Or. en

**Amendment 258**  
**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**  
**Article 71 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. In compliance with the terms and conditions laid down in this Regulation, Member States shall lay down the rules on penalties, including administrative fines, applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are properly and effectively implemented. The penalties provided for shall be effective, proportionate, and dissuasive. They shall take into particular account the interests of small-scale providers and start-up and their economic viability.

1. In compliance with the terms and conditions laid down in this Regulation, Member States shall lay down the rules on penalties, including administrative fines, applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are properly and effectively implemented. The penalties provided for shall be effective, proportionate, and dissuasive. They shall take into particular account the interests **and market position** of small-scale providers and start-up and their economic viability.

Or. en

**Amendment 259**  
**Dace Melbārde, Andrey Slabakov**

**Proposal for a regulation**  
**Article 71 – paragraph 6 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the **size and** market share of the operator committing the infringement;

(c) the market share of the operator committing the infringement, **while also taking into consideration the size of the operator**;

Or. en

#### **Amendment 260**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

#### **Proposal for a regulation**

##### **Annex I**

*Text proposed by the Commission*

*Amendment*

**ARTIFICIAL INTELLIGENCE  
TECHNIQUES AND  
APPROACHES**referred to in Article 3,  
point 1

*deleted*

**(a) Machine learning approaches, including supervised, unsupervised and reinforcement learning, using a wide variety of methods including deep learning;**

**(b) Logic- and knowledge-based approaches, including knowledge representation, inductive (logic) programming, knowledge bases, inference and deductive engines, (symbolic) reasoning and expert systems;**

**(c) Statistical approaches, Bayesian estimation, search and optimization methods.**

Or. en

#### **Amendment 261**

**Dace Melbārde, Andrey Slabakov**

#### **Proposal for a regulation**

**Annex III – paragraph 1 – point 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. Biometric identification and categorisation of natural persons:

1. Biometric identification, ***unless for private use***, and categorisation of natural persons:

Or. en

#### **Amendment 262**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

#### **Proposal for a regulation**

**Annex III – paragraph 1 – point 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) AI systems intended to be used as safety components in the management and operation of road traffic and the supply of water, gas, heating and electricity.

(a) AI systems intended to be used as safety components in the management and operation of road traffic and the supply of water, gas, heating, ***telecommunications***, and electricity.

Or. en

#### **Amendment 263**

**Alessandro Panza**

#### **Proposal for a regulation**

**Annex III – paragraph 1 – point 3 – point a**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

Or. it

#### **Amendment 264**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu, Massimiliano Smeriglio**

#### **Proposal for a regulation**

**Annex III – paragraph 1 – point 3 – point a**

*Text proposed by the Commission*

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

*Amendment*

(a) AI systems intended to be used for the purpose of determining access or assigning natural persons to educational and vocational training institutions ***or of determining the study program or areas of study to be followed by students;***

Or. en

**Amendment 265**  
**Alessandro Panza**

**Proposal for a regulation**  
**Annex III – paragraph 1 – point 3 – point b**

*Text proposed by the Commission*

***(b) AI systems intended to be used for the purpose of assessing students in educational and vocational training institutions and for assessing participants in tests commonly required for admission to educational institutions.***

*Amendment*

***deleted***

Or. it

**Amendment 266**  
**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu, Massimiliano Smeriglio**

**Proposal for a regulation**  
**Annex III – paragraph 1 – point 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3 a. AI systems intended to be used for monitoring and detecting prohibited behaviour of students during tests at education and training institutions***

Or. en

**Amendment 267**

**Martina Michels, Fernando Barrena Arza, Niyazi Kizilyürek, Alexis Georgoulis**

**Proposal for a regulation**

**Annex III – paragraph 1 – point 4 – introductory part**

*Text proposed by the Commission*

*Amendment*

4. Employment, workers management and access to self-employment:

4. Employment **and employment support**, workers management and access to self-employment:

Or. de

**Amendment 268**

**Alessandro Panza**

**Proposal for a regulation**

**Annex III – paragraph 1 – point 4 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) 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;**

**deleted**

Or. it

**Amendment 269**

**Alessandro Panza**

**Proposal for a regulation**

**Annex III – paragraph 1 – point 4 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) AI 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**

**deleted**

*persons in such relationships.*

Or. it

**Amendment 270**

**Ibán García Del Blanco, Marcos Ros Sempere, Domènec Ruiz Devesa, Victor Negrescu**

**Proposal for a regulation**

**Annex III – paragraph 1 – point 4 – point b**

*Text proposed by the Commission*

(b) AI 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.

*Amendment*

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

Or. en