



2021/0106(COD)

29.3.2022

DRAFT OPINION

of the Committee on Transport and Tourism

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

on the proposal for a regulation of the European Parliament and of the Council
laying down harmonised rules on artificial intelligence (artificial intelligence
act) and amending certain union legislative acts
(COM(2021)0206 – C9-0146/2021 – 2021/0106(COD))

Rapporteur for opinion: Josianne Cutajar

PA_Legam

SHORT JUSTIFICATION

The Rapporteur supports the development of an EU legislative framework on Artificial Intelligence, a necessary step to ensure the Union becomes leader in the field, all while upholding our European values. The horizontal risk-based approach of the Artificial Intelligence Act will create a system in which rules will apply exclusively to applications of AI systems where threats may occur. This selective approach will allow the Union to continue developing its AI sector without hindering technological progress and digital transformation.

Transport is a sector posed to benefit greatly from the integration of AI systems in its every day operations and logistics. The application of AI systems can help achieve the EU's safety, environmental and, in some instances, societal objectives for the sector. The Union must therefore aim at removing those existing barriers that hinder development and investment, first among all, legal fragmentation and uncertainty, which hurts business and customers.

The key elements of the Rapporteur's report are the following:

- Ensuring the AI Act does not overlap with sectoral legislation by imposing double/conflicting obligations on transport actors;
- Promoting the development of, and upholding, international standards, that are particularly important for the transport sector;
- Fostering Research and Innovation to ensure the EU's transport sector develops its own know-how in the implementation of AI, while upholding the highest ethical standards.

The general approach to the opinion by the Rapporteur has been to give a voice to the transport sector on the AI Act. For this reason, amendments had to be carefully drafted within the scope of the TRAN Committee, a complicated task when dealing with harmonized legislation. Still, the Rapporteur believes that in instances where horizontal provisions clearly affect transport, the TRAN Committee should have a say. In addition, some amendments have been included to clarify the key messages of the Commission's report, such as in the case of the definition of AI systems and High-Risk, which are both essential for transport.

Following the consultation and research phase for this work, three clear issues emerged from a TRAN perspective. First, each segment of transport already presents, in different degrees and forms, sectoral legislation, provisions or initiatives to ensure the highest level of safety when it comes to AI system integration. Aviation, road, rail and maritime, all require measures specifically tailored to the sector to ensure the successful management of operations and services, while upholding the highest level of security. Harmonized legislation might fall short of the required measures to guarantee the aforementioned safety in the sector. For this reason, it was paramount to stress in the AI Act the need for sectoral legislation to be respected and prevail, in some instances, over harmonized rules. This was indeed the intention of the Commission as clear from Annex II, Part B. Yet, the text required further detail.

Secondly, due to the international nature of transport, a second key element that emerged from assessment is that international procedures are already in motion to develop global norms and guidelines for the safety of AI systems for each sector. It would be preferable therefore, that such global standards are respected and integrated in EU law and standards. Generally speaking, EU standards are developed through formal agreements between the European Standardization

Organizations (ESOs) and International Standardization Organizations, which allows them in practice to work together. Nonetheless, in the interest of preserving the competitiveness of the EU's transport sector vis-a-vis other regions, the language and provisions in the AI Act had to be strengthened to ensure provisions on AI for transport are respectful of the international norms and standards.

Lastly, Research and Development is the motor for the digitalization of each sector, let alone transport. New harmonized rules on AI must not impede research where such research is limited to controlled environments and the studied AI System is not placed onto the market. For this reason, language is added to clarify the scope in this regard. It must be noted, that the Commission proposal presents measures in support of innovation through specific articles on sandboxes and small-scale providers. Here, however, the Rapporteur amends to ensure Small and Medium Enterprises (SMEs) are able to benefit from such provisions.

Further minor amendments by the Rapporteur cover transparency of algorithms for transport work (simply reflecting Commission's language in Annex III), an understanding of Human Oversight in the context of transport, and clarification on errors in data sets.

AMENDMENTS

The Committee on Transport and Tourism calls on the Committee on the Internal Market and Consumer Protection and the Committee on Civil Liberties, Justice and Home Affairs, as the committees responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Union legislation on artificial intelligence should be accompanied by actions aimed at addressing the main barriers hindering the digital transformation of the economy. Such measures should focus on education, upskilling and reskilling of workers, fostering investment in research and innovation, and boosting security in the digital sphere in line with initiatives aimed at achieving the targets of the Digital Decade. Digital transformation should occur in a harmonized manner across regions, paying particular attention to less digitally developed areas of the Union.

Amendment 2

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, **and possibly also the hardware.**^{1a} In particular, **for the purpose of this Regulation, AI systems should be intended as having** the ability, **on the basis of machine- and/or human-based data and inputs, to infer the way to achieve** a given set of **human-defined** objectives **through learning, reasoning or modelling** and generate **specific** outputs **in the form of content for generative AI systems, as well as** 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.

^{1a} <https://digital->

Amendment 3

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The use of biometrics in transport and tourism will vastly benefit user experience and overall safety and security. The application of fingerprint or retina scans to access cars could help prevent theft, while in-car biometrics could help detect drivers' stress levels and prevent intoxicated driving, directly contributing to the EU's 2050 "VisionZero". In the tourism sector, contactless check-ins, for example through facial recognition technology, will help attain a seamless travelling experience. This Regulation should accompany these developments by the highest/adequate level of protection, in particular when use of biometrics data is involved, in line with the data protection framework of the Union, while fostering research and investment for the development and deployment of AI systems that can positively contribute to society.

Amendment 4

Proposal for a regulation Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Due to risks associated with passenger and cargo transport, the sector has been carefully monitored and regulated to avoid incidents and loss of life. The Union legal framework for transport presents sectoral legislation for the aviation, road, rail and maritime transport. With the progressive integration of AI systems in the sector, new challenges could emerge in risk management. The provisions of this Regulation should only apply to high risk applications in the transport sector in so far as that they are not already covered by sectoral legislation and where they could have a harmful impact on the health, safety and fundamental rights of persons. Overlaps should therefore be avoided.

Or. en

Justification

The transport sector is a heavily regulated sector that demands tailored specific rules in order to correctly address its problems and requirements. The Artificial Intelligence Act must not overlap with sectoral legislation in place and avoid double obligations. When it comes to transport, sectoral legislation must prevail over harmonized legislation.

Amendment 5

Proposal for a regulation Recital 11 b (new)

Text proposed by the Commission

Amendment

(11b) Notes for example that the Union aviation sector, through the work of the European Aviation Safety Agency (EASA) and its stakeholders, is gradually developing its own guidance material and rules on the application and security management of AI systems in aviation. Takes note of EASA's roadmap for AI, in which AI system application to aviation

are categorized in three distinct levels, from assistance to human, to human-machine cooperation, to full machine automation. Stresses the need for a sector-specific oversight on AI systems laying out rules for the highest-level of safety for aviation while preserving the global competitiveness of Union businesses.

Or. en

Amendment 6

Proposal for a regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) This Regulation should support research and innovation for the application of AI systems in the transport and tourism sectors. For this reason, this Regulation should exclude from its scope applications of AI systems developed, applied and assessed in a controlled testing environment, for the sole purpose of evaluating their use and functionality. As regards product oriented research activity by providers, the provisions of this Regulation should apply insofar as such research leads to or entails placing an AI system on the market or putting it into service. All forms of research and development should be conducted in compliance with the highest ethical standards for scientific research.

Or. en

Justification

The integration of AI systems in transport and tourism will greatly benefit the sectors. To ensure we reap the benefit of innovation and digital transformation, the Artificial Intelligence Act should not apply to AI systems and their outputs used for the sole purpose of research and development, unless such systems are placed on the market or put into service.

Amendment 7

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. ***This is of particular importance in the transport sector in order to ensure the highest level of interoperability among transport vehicles, infrastructure and intelligent systems and to guarantee safety and security. The Union and its standards organisations, in full respect of the Charter, should therefore strive to develop global standards for the different transport modes. Regular reviews of this Regulation should take into account updated standards for the transport sector.***

Or. en

Amendment 8

Proposal for a regulation Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) The use of AI in work can be beneficial to both the management and operations of an enterprise, supporting workers in their tasks and improving safety at the workplace. Still, AI systems applied to digital labour platforms, platforms for the management of workers,

including in the field of transport, can entail risks of unjust/unnecessary social scoring, rooted in biased data sets, which can lead to violation of workers and fundamental rights. This Regulation should therefore aim at protecting the rights of transport workers managed by digital labour platforms and promote transparency, fairness and accountability in algorithmic management, to ensure that workers are aware of how algorithms work, which personal data is issued and how their behaviour affects decisions taken by the automated system.

Or. en

Justification

Adding language in support of the categorization as High Risk of AI systems in the field of employment, workers management and access to self-employment as included in Annex III.

Amendment 9

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) As regards high-risk AI systems that are safety components of products or systems, or which are themselves products or systems falling within the scope of Regulation (EC) No 300/2008 of the European Parliament and of the Council³⁹, Regulation (EU) No 167/2013 of the European Parliament and of the Council⁴⁰, Regulation (EU) No 168/2013 of the European Parliament and of the Council⁴¹, Directive 2014/90/EU of the European Parliament and of the Council⁴², Directive (EU) 2016/797 of the European Parliament and of the Council⁴³, Regulation (EU) 2018/858 of the European Parliament and of the Council⁴⁴, Regulation (EU) 2018/1139 of the European Parliament and of the Council⁴⁵, and Regulation (EU)

Amendment

(29) As regards high-risk AI systems that are safety components of products or systems, or which are themselves products or systems falling within the scope of Regulation (EC) No 300/2008 of the European Parliament and of the Council³⁹, Regulation (EU) No 167/2013 of the European Parliament and of the Council⁴⁰, Regulation (EU) No 168/2013 of the European Parliament and of the Council⁴¹, Directive 2014/90/EU of the European Parliament and of the Council⁴², Directive (EU) 2016/797 of the European Parliament and of the Council⁴³, Regulation (EU) 2018/858 of the European Parliament and of the Council⁴⁴, Regulation (EU) 2018/1139 of the European Parliament and of the Council⁴⁵, and Regulation (EU)

2019/2144 of the European Parliament and of the Council⁴⁶, it is appropriate to amend those acts to ensure that the Commission takes into account, on the basis of the technical and regulatory specificities of each sector, and without *interfering* with existing governance, conformity assessment and enforcement mechanisms and authorities established therein, the mandatory requirements for high-risk AI systems laid down in this Regulation when adopting any relevant future delegated or implementing acts on the basis of those acts.

2019/2144 of the European Parliament and of the Council⁴⁶, it is appropriate, *if required*, to amend those acts to ensure that the Commission takes into account, on the basis of the technical and regulatory specificities of each sector, and without *overlapping* with existing governance, conformity assessment and enforcement mechanisms and authorities established therein, the mandatory requirements for high-risk AI systems laid down in this Regulation when adopting any relevant future delegated or implementing acts on the basis of those acts. ***Transport sectoral legislation should prevail over this Regulation and it should be ensured that no overlap exists between this Regulation and other current and upcoming legal acts (i.e. Data Act, ITS Review) to avoid duplication of obligations on providers and manufacturers, which would cause legal uncertainty for business and slow down the uptake of new technologies in the market. This Regulation should also provide for an efficient review mechanism in order to take into account future technological developments and to ensure fair, proportionate and targeted implementation.***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No 1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) No 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) 2015/166 (OJ L 325, 16.12.2019, p. 1).

(EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No 1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) No 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) 2015/166 (OJ L 325, 16.12.2019, p. 1).

Or. en

Amendment 10

Proposal for a regulation Recital 34

Text proposed by the Commission

(34) As regards the management and operation of critical infrastructure, it is appropriate to classify as high-risk the 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, since their failure or malfunctioning may put at risk the life and health of persons at large scale and lead to appreciable disruptions in the ordinary conduct of social and economic activities.

Amendment

(34) As regards the management and operation of critical infrastructure, it is appropriate to classify as high-risk the 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, since their failure or malfunctioning may put at risk the life and health of persons at large scale and lead to appreciable disruptions in the ordinary conduct of social and economic activities. ***Examples of critical infrastructure for road covered by Annex III should include but should not be not limited to traffic management control systems, intelligent transport systems and ICT infrastructure connected transport.***

Or. en

Amendment 11

Proposal for a regulation Recital 44

Text proposed by the Commission

(44) High data quality is essential for the performance of many AI systems, especially when techniques involving the training of models are used, with a view to ensure that the high-risk AI system performs as intended and safely and it does not become the source of discrimination prohibited by Union law. High quality training, validation and testing data sets require the implementation of appropriate data governance and management practices. Training, validation and testing data sets should be sufficiently relevant, representative and free of errors and complete in view of the intended purpose of the system. They should also have the appropriate statistical properties, including as regards the persons or groups of persons on which the high-risk AI system is intended to be used. In particular, training, validation and testing data sets should take into account, to the extent required in the light of their intended purpose, the features, characteristics or elements that are particular to the specific geographical, behavioural or functional setting or context within which the AI system is intended to be used. In order to protect the right of others from the discrimination that might result from the bias in AI systems, the providers *should be* able to process also special categories of personal data, as a matter of substantial public interest, in order to ensure the bias monitoring, detection and correction in relation to high-risk AI systems.

Amendment

(44) High data quality is essential for the performance of many AI systems, especially when techniques involving the training of models are used, with a view to ensure that the high-risk AI system performs as intended and safely and it does not become the source of discrimination prohibited by Union law. High quality training, validation and testing data sets require the implementation of appropriate data governance and management practices. Training, validation and testing data sets should be sufficiently relevant, representative and, *to the best extent possible* free of errors and complete in view of the intended purpose of the system *and to ensure the highest level of security*. They should also have the appropriate statistical properties, including as regards the persons or groups of persons on which the high-risk AI system is intended to be used. In particular, training, validation and testing data sets should take into account, to the extent required in the light of their intended purpose, the features, characteristics or elements that are particular to the specific geographical, behavioural or functional setting or context within which the AI system is intended to be used. In order to protect the right of others from the discrimination that might result from the bias in AI systems, the providers *should be* able to process also special categories of personal data, as a matter of substantial public interest, in order to ensure the bias monitoring, detection and correction in relation to high-risk AI systems.

Or. en

Amendment 12

Proposal for a regulation Recital 47

Text proposed by the Commission

(47) To address the opacity that may make certain AI systems incomprehensible to or too complex for natural persons, a certain degree of transparency should be required for high-risk AI systems. Users should be able to interpret the system output and use it appropriately. High-risk AI systems should therefore be accompanied by relevant documentation and instructions of use and include concise and clear information, including in relation to possible risks to fundamental rights and discrimination, where appropriate.

Amendment

(47) To address the opacity that may make certain AI systems incomprehensible to or too complex for natural persons, a certain degree of transparency should be required for high-risk AI systems, ***in particular when applied to digital labour platforms managing the activities of transport workers***. Users should be able to interpret the system output and use it appropriately. ***Transparency, fairness, accountability and explainability of AI systems can also be a beneficial factor for their uptake by consumers in the market***. High-risk AI systems should therefore be accompanied by relevant documentation and instructions of use and include concise and clear information, including in relation to possible risks to fundamental rights and discrimination, where appropriate.

Or. en

Amendment 13

Proposal for a regulation Recital 48

Text proposed by the Commission

(48) High-risk AI systems should be designed and developed in such a way that natural persons can oversee their functioning. For this purpose, appropriate human oversight measures should be identified by the provider of the system before its placing on the market or putting into service. In particular, where appropriate, such measures should guarantee that the system is subject to in-built operational constraints that cannot be

Amendment

(48) High-risk AI systems should be designed and developed in such a way that natural persons can oversee their functioning. For this purpose, appropriate human oversight measures should be identified by the provider of the system before its placing on the market or putting into service. In particular, where appropriate, such measures should guarantee that the system is subject to in-built operational constraints that cannot be

overridden by the system itself and is responsive to the human operator, and that the natural persons to whom human oversight has been assigned have the necessary competence, training and authority to carry out that role.

overridden by the system itself and is responsive to the human operator, and that the natural persons to whom human oversight has been assigned have the necessary competence, training and authority to carry out that role. ***With regards to the transport sector, a distinction should be made between automation and AI System applications since the classification of an AI system as high risk should depend on the different level of integration of AI within a vehicle and the task it performs. When physical security is at stake, for example when an accident is imminent, Union and international standards should determine in which case the possibility for a human operator to take back control should take prevalence over AI system's decision.***

Or. en

Amendment 14

Proposal for a regulation

Recital 59

Text proposed by the Commission

(59) It is appropriate to envisage that the user of the AI system should be the natural or legal person, public authority, agency or other body under whose authority the AI system is operated ***except where the use is made in the course of a personal non-professional activity.***

Amendment

(59) It is appropriate to envisage that the user of the AI system should be the natural or legal person, public authority, agency or other body under whose authority the AI system is operated.

Or. en

Amendment 15

Proposal for a regulation

Recital 72

Text proposed by the Commission

(72) The objectives of the regulatory sandboxes should be to foster AI innovation by establishing a controlled experimentation and testing environment in the development and pre-marketing phase with a view to ensuring compliance of the innovative AI systems with this Regulation and other relevant Union and Member States legislation; to enhance legal certainty for innovators and the competent authorities' oversight and understanding of the opportunities, emerging risks and the impacts of AI use, and to accelerate access to markets, including by removing barriers for small and medium enterprises (SMEs) and start-ups. To ensure uniform implementation across the Union and economies of scale, it is appropriate to establish common rules for the regulatory sandboxes' implementation and a framework for cooperation between the relevant authorities involved in the supervision of the sandboxes. This Regulation should provide the legal basis for the use of personal data collected for other purposes for developing certain AI systems in the public interest within the AI regulatory sandbox, in line with Article 6(4) of Regulation (EU) 2016/679, and Article 6 of Regulation (EU) 2018/1725, and without prejudice to Article 4(2) of Directive (EU) 2016/680. Participants in the sandbox should ensure appropriate safeguards and cooperate with the competent authorities, including by following their guidance and acting expeditiously and in good faith to mitigate any high-risks to safety and fundamental rights that may arise during the development and experimentation in the sandbox. The conduct of the participants in the sandbox should be taken into account when competent authorities decide whether to impose an administrative fine under Article 83(2) of Regulation 2016/679 and

Amendment

(72) The objectives of the regulatory sandboxes should be to foster AI innovation by establishing a controlled experimentation and testing environment in the development and pre-marketing phase with a view to ensuring compliance of the innovative AI systems with this Regulation and other relevant Union and Member States legislation; to enhance legal certainty for innovators and the competent authorities' oversight and understanding of the opportunities, emerging risks and the impacts of AI use, and to accelerate access to markets, including by removing barriers for small and medium enterprises (SMEs) and start-ups, ***as well as to contribute to achieving the targets on AI as set in the Policy Programme "Path to the Digital Decade"***. To ensure uniform implementation across the Union and economies of scale, it is appropriate to establish common rules for the regulatory sandboxes' implementation and a framework for cooperation between the relevant authorities involved in the supervision of the sandboxes. This Regulation should provide the legal basis for the use of personal data collected for other purposes for developing certain AI systems in the public interest within the AI regulatory sandbox, in line with Article 6(4) of Regulation (EU) 2016/679, and Article 6 of Regulation (EU) 2018/1725, and without prejudice to Article 4(2) of Directive (EU) 2016/680. Participants in the sandbox should ensure appropriate safeguards and cooperate with the competent authorities, including by following their guidance and acting expeditiously and in good faith to mitigate any high-risks to safety and fundamental rights that may arise during the development and experimentation in the sandbox. The conduct of the participants in the sandbox should be taken into account when competent authorities decide whether

Article 57 of Directive 2016/680.

to impose an administrative fine under Article 83(2) of Regulation 2016/679 and Article 57 of Directive 2016/680.

Or. en

Amendment 16

Proposal for a regulation

Recital 73

Text proposed by the Commission

(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.

Amendment

(73) In order to promote and protect innovation, it is important that the interests of small-scale providers, **especially SMEs**, 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, **including SMEs, should** 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 17

Proposal for a regulation

Article 1 – paragraph 1 – point e

Text proposed by the Commission

(e) rules on market monitoring **and** surveillance.

Amendment

(e) rules on market monitoring, **market** surveillance **and governance**.

Or. en

Amendment 18

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ea) Provision to foster and support research and development for innovation.

Or. en

Amendment 19

Proposal for a regulation

Article 2 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) importers and distributors of AI systems.

Or. en

Amendment 20

Proposal for a regulation

Article 2 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) product manufacturers placing on the market or putting into service an AI system together with their product and under their own name or trademark.

Amendment 21

Proposal for a regulation

Article 2 – paragraph 2 – introductory part

Text proposed by the Commission

2. For high-risk AI *systems that are safety components of products or systems, or which are themselves products or systems, falling within the scope of the following acts*, only Article 84 of this Regulation shall apply:

Amendment

2. For *AI systems classified as* high-risk AI *in accordance with Article 6(1) related to products covered by Union harmonisation legislation listed in Annex II, section B*, only Article 84 of this Regulation shall apply.

Or. en

Amendment 22

Proposal for a regulation

Article 2 – paragraph 2 – point a

Text proposed by the Commission

(a) *Regulation (EC) 300/2008;*

Amendment

deleted

Or. en

Amendment 23

Proposal for a regulation

Article 2 – paragraph 2 – point b

Text proposed by the Commission

(b) *Regulation (EU) No 167/2013;*

Amendment

deleted

Or. en

Amendment 24

Proposal for a regulation Article 2 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) *Regulation (EU) No 168/2013;* *deleted*

Or. en

Amendment 25

Proposal for a regulation Article 2 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) *Directive 2014/90/EU;* *deleted*

Or. en

Amendment 26

Proposal for a regulation Article 2 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) *Directive (EU) 2016/797;* *deleted*

Or. en

Amendment 27

Proposal for a regulation Article 2 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) *Regulation (EU) 2018/858;* *deleted*

Or. en

Amendment 28

Proposal for a regulation Article 2 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) Regulation (EU) 2018/1139; **deleted**

Or. en

Amendment 29

Proposal for a regulation Article 2 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) Regulation (EU) 2019/2144. **deleted**

Or. en

Amendment 30

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

Text proposed by the Commission

Amendment

5a. This Regulation shall not apply to AI systems developed and put into service for the sole purpose of scientific research and development.

Or. en

Amendment 31

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

Text proposed by the Commission

Amendment

5b. This Regulation shall not apply to any research and development activity regarding AI systems in so far as such activity does not lead to or require placing an AI system on the market or putting it into service and is in full respect of approved scientific ethical standards.

Or. en

Amendment 32

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 ***a system that receives machine- and/or human-based data and inputs to infer how to achieve a given set of human-defined objectives using learning, reasoning or modelling implemented with the techniques and approaches listed in Annex I, and generates outputs in the form of content (generative AI systems), predictions, recommendations.***

Or. en

Amendment 33

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***

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

used in the course of a personal non-professional activity;

Or. en

Amendment 34

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(5a) ‘product manufacturer’ means a manufacturer within the meaning of any of the Union harmonisation legislation listed in Annex II;

Or. en

Amendment 35

Proposal for a regulation

Article 3 – paragraph 1 – point 44 – introductory part

Text proposed by the Commission

Amendment

(44) ‘serious incident’ means any incident that directly or indirectly leads, might have led or might lead to any of the following:

(44) ‘serious incident’ means any incident **or malfunctioning of an AI system** that directly or indirectly leads, might have led or might lead to any of the following:

Or. en

Amendment 36

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44a) ‘personal data’ means data as defined in point (1) of Article 4 of

Amendment 37

Proposal for a regulation

Article 3 – paragraph 1 – point 44 b (new)

Text proposed by the Commission

Amendment

(44b) ‘non-personal data’ means data other than personal data as defined in point (1) of Article 4 of Regulation (EU) 2016/679;

Or. en

Amendment 38

Proposal for a regulation

Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 39

Proposal for a regulation

Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Irrespective of whether **an** AI system is placed on the market or put into service independently from the **products**

1. An AI system that is itself a product covered by the Union harmonisation legislation listed in Annex

referred to in *points (a) and (b)*, that *AI system* shall be considered high-risk *where both of the following conditions are fulfilled*:

It shall be considered as high risk if it is required to undergo a third-party conformity assessment with a view to the placing on the market or putting into service of that product pursuant to the above mentioned legislation.

2. An AI system intended to be used as a safety component of a product covered by the legislation referred to in paragraph 1 shall be considered as high risk if it is required to undergo a third-party conformity assessment with a view to the placing on the market or putting into service of that product pursuant to above mentioned legislation. This provision shall apply irrespective of whether the AI system is placed on the market or put into service independently from the product.

3. AI systems referred to in Annex III shall be considered high-risk.

Or. en

Justification

The amendment on Article 6 is strictly to improve the language to ensure greater clarity. The content remains the same.

Amendment 40

Proposal for a regulation Article 6 – paragraph 1 – point a

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 41

Proposal for a regulation

Article 6 – paragraph 1 – point b

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 42

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 43

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. High-risk AI systems shall comply with the requirements established in this Chapter.

1. High-risk AI systems shall comply with the requirements established in this Chapter, **taking into account sectoral legislation, harmonised standards and common specifications.**

Justification

Relevant amendments to ensure sectoral standards and specifications are respected, something key for the transport sector.

Amendment 44**Proposal for a regulation****Article 9 – paragraph 2 – point a***Text proposed by the Commission*

(a) identification and analysis of the known and foreseeable risks associated with each high-risk AI system;

Amendment

(a) identification and analysis of the known and foreseeable risks associated with each high-risk AI system ***that might occur to health, safety and fundamental rights of persons in view of the intended purpose of or misuse of the high-risk AI system.***

Amendment 45**Proposal for a regulation****Article 10 – paragraph 3***Text proposed by the Commission*

3. Training, validation and testing data sets shall be relevant, representative, free of errors and complete. They shall have the appropriate statistical properties, including, where applicable, as regards the persons or groups of persons on which the high-risk AI system is intended to be used. These characteristics of the data sets may be met at the level of individual data sets or a combination thereof.

Amendment

3. Training, validation and testing data sets shall be relevant, representative, ***and to the best extent possible*** free of errors and complete. They shall have the appropriate statistical properties, including, where applicable, as regards the persons or groups of persons on which the high-risk AI system is intended to be used. These characteristics of the data sets may be met at the level of individual data sets or a combination thereof.

Amendment 46

Proposal for a regulation

Article 11 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The technical documentation shall be drawn up in such a way to demonstrate that the high-risk AI system complies with the requirements set out in this Chapter and provide national competent authorities and notified bodies with all the necessary information to assess the compliance of the AI system with those requirements. It shall contain, at a minimum, the elements set out in Annex IV.

Amendment

The technical documentation shall be drawn up in such a way to demonstrate that the high-risk AI system complies with the requirements set out in this Chapter and provide national competent authorities and notified bodies with all the necessary information to assess the compliance of the AI system with those requirements. It shall contain, at a minimum, the elements set out in Annex IV ***or, in the case of SMEs and start-ups, any equivalent documentation meeting the same objectives, subject to approval of the competent authority.***

Or. en

Amendment 47

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

1. High-risk AI systems shall be designed and developed in such a way, including with appropriate human-machine interface tools, that they can be effectively overseen by natural persons during the period in which the AI system is in use.

Amendment

1. High-risk AI systems shall be designed and developed in such a way, including with appropriate human-machine interface tools, that they can be effectively overseen by natural persons during the period in which the AI system is in use, ***unless human supervision compromises the safety of the given high risk AI system.***

Or. en

Justification

The degree of human oversight should be adapted to the specific risks, the level of automation, context and intended use to avoid hindering automated processes in transport. The addition is important for the sector as human oversight might not always be the preferable option to guarantee safety.

Amendment 48

Proposal for a regulation

Article 14 – paragraph 4 – point e a (new)

Text proposed by the Commission

Amendment

(ea) be able to comprehend when a high risk AI system decision is preferable to human oversight.

Or. en

Amendment 49

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, **the highest** level of accuracy, robustness and cybersecurity **possible**, and perform consistently in those respects throughout their lifecycle.

Or. en

Amendment 50

Proposal for a regulation

Article 15 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

High-risk AI systems that continue to learn after being placed on the market or put into service shall be developed in such a way to ensure that possibly biased outputs **due to outputs used as** an input for future operations (‘feedback loops’) are duly addressed with appropriate mitigation

High-risk AI systems that continue to learn after being placed on the market or put into service shall be developed in such a way to ensure that possibly biased outputs **influencing** an input for future operations (‘feedback loops’) are duly addressed with

measures.

appropriate mitigation measures.

Or. en

Amendment 51

Proposal for a regulation

Article 28 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) they modify the intended purpose of an AI system which is not high-risk and is already placed on the market or put into service, in a way which makes the modified system a high-risk AI system.

Or. en

Amendment 52

Proposal for a regulation

Article 40 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

2. When issuing a standardisation request to European standardisation organisations in accordance with Article 10 of Regulation 1025/2012, the Commission shall specify that standards are coherent, easy to implement and drafted in such a way that they aim to fulfil in particular the following objectives:

a) ensure that AI systems placed on the market or put into service in the Union are safe and respect Union values and strengthen the Union's digital sovereignty;

b) promote investment and innovation in AI, as well as competitiveness and growth of the Union market;

c) enhance multi-stakeholder governance, representative of all relevant European stakeholders (e.g. industry, SMEs, civil society, researchers).

d) contribute to strengthening global cooperation on standardisation in the field of AI that is consistent with Union values and interests.

The Commission shall request the European standardisation organisations to provide evidence of their best efforts to fulfil the above objectives.

Or. en

Justification

The Artificial Intelligence Act must promote the uptake of international standards for the transport sector to ensure innovation is promoted and the EU's industry global competitiveness supported.

Amendment 53

Proposal for a regulation Article 41 – paragraph 1

Text proposed by the Commission

1. Where harmonised standards referred to in Article 40 do not exist or where the Commission considers that the relevant harmonised standards are insufficient or that there is a need to address specific safety or fundamental right concerns, the Commission may, by means of implementing acts, adopt common specifications in respect of the requirements set out in Chapter 2 of this Title. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2).

Amendment

1. Where harmonised standards referred to in Article 40 do not exist or where the Commission considers that the relevant harmonised standards are insufficient or that there is a need to address specific safety or fundamental right concerns, the Commission may, ***after consulting the AI Board referred to in Article 56 and the responsible authorities and organizations for a given sector***, by means of implementing acts, adopt common specifications in respect of the requirements set out in Chapter 2 of this Title. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2).

Amendment 54

Proposal for a regulation Article 41 – paragraph 2

Text proposed by the Commission

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.

Amendment

2. When preparing the common specifications referred to in paragraph 1, **the Commission shall fulfil the objectives referred of Article 40(2) and** gather the views of relevant bodies or expert groups established under relevant sectorial Union law.

Or. en

Amendment 55

Proposal for a regulation Article 54 – paragraph 1 – point a – point iii a (new)

Text proposed by the Commission

Amendment

(iii a) safety and resilience of transport systems, infrastructure and networks.

Or. en

Amendment 56

Proposal for a regulation Article 55 – title

Text proposed by the Commission

Amendment

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

Measures for **SMEs** and users

Or. en

Amendment 57

Proposal for a regulation Article 55 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 58

Proposal for a regulation Article 55 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 59

Proposal for a regulation Article 55 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 60

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

Text proposed by the Commission

Amendment

2a. Where appropriate, Member States shall find synergies and cooperate with relevant instruments funded by EU programmes, such as the European Digital Innovation Hubs.

Or. en

Amendment 61

Proposal for a regulation Article 75 – paragraph 1 Regulation (EC) No 300/2008 Article 4 – paragraph 3

Text proposed by the Commission

Amendment

When adopting detailed measures related to technical specifications and procedures for approval and use of security equipment concerning Artificial Intelligence systems in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Chapter 2, Title III of that Regulation shall be taken into account.”

When adopting detailed measures related to technical specifications and procedures for approval and use of security equipment concerning Artificial Intelligence systems in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, **without interfering with existing governance**, the requirements set out in Chapter 2, Title III of that Regulation shall be taken into account.”

Or. en

Amendment 62

Proposal for a regulation Article 76 – paragraph 1

Text proposed by the Commission

When adopting delegated acts pursuant to the first subparagraph concerning artificial intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.

Amendment

When adopting delegated acts pursuant to the first subparagraph concerning artificial intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, ***without interfering with existing governance***, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.

Or. en

Amendment 63

Proposal for a regulation

Article 78 – paragraph 1

Directive 2014/90/EU

Article 8 – paragraph 4

Text proposed by the Commission

4. “For Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, when carrying out its activities pursuant to paragraph 1 and when adopting technical specifications and testing standards in accordance with paragraphs 2 and 3, the Commission shall take into account the requirements set out in Title III, Chapter 2 of that Regulation.

Amendment

4. “For Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, when carrying out its activities pursuant to paragraph 1 and when adopting technical specifications and testing standards in accordance with paragraphs 2 and 3, ***and without interfering with existing governance***, the Commission shall take into account the requirements set out in Title III, Chapter 2 of that Regulation.

Or. en

Amendment 64

Proposal for a regulation

Article 79 – paragraph 1

Directive (EU) 2016/797

Article 5 – paragraph 12

Text proposed by the Commission

12. “When adopting delegated acts pursuant to paragraph 1 and implementing acts pursuant to paragraph 11 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.

Amendment

12. “When adopting delegated acts pursuant to paragraph 1 and implementing acts pursuant to paragraph 11 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, ***without interfering with existing governance***, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.

Or. en

Amendment 65

Proposal for a regulation

Article 80 – paragraph 1

Regulation (EU) 2018/858

Article 5 – paragraph 4

Text proposed by the Commission

4. “When adopting delegated acts pursuant to paragraph 3 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council *, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.

Amendment

4. “When adopting delegated acts pursuant to paragraph 3 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council *, ***without interfering with existing governance***, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.

Or. en

Amendment 66

Proposal for a regulation

Article 81 – paragraph 1 – point 1

Regulation (EU) 2018/1139

Article 17 – paragraph 3

Text proposed by the Commission

3. “Without prejudice to paragraph 2, when adopting implementing acts pursuant to paragraph 1 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.

* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...).

Amendment

3. “Without prejudice to paragraph 2, **and to the certification, oversight and enforcement system referred to in Article 62 of this Regulation**, when adopting implementing acts pursuant to paragraph 1 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, **only** the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.

* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...).

Or. en

Amendment 67

Proposal for a regulation

Article 81 – paragraph 1 – point 2

Regulation (EU) 2018/1139

Article 19 – paragraph 4

Text proposed by the Commission

4. When adopting delegated acts pursuant to paragraphs 1 and 2 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.

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Amendment

4. **Without prejudice to the certification, oversight and enforcement system referred to in Article 62 of this Regulation**, when adopting delegated acts pursuant to paragraphs 1 and 2 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], **only** the requirements set out in Title III, Chapter 2 of that Regulation

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shall be taken into account.

Or. en

Amendment 68

Proposal for a regulation

Article 81 – paragraph 1 – point 3

Regulation (EU) 2018/1139

Article 43 – paragraph 4

Text proposed by the Commission

4. When adopting implementing acts pursuant to paragraph 1 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.

Amendment

4. ***Without prejudice to the certification, oversight and enforcement system referred to in Article 62 of this Regulation***, when adopting implementing acts pursuant to paragraph 1 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], ***only*** the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.

Or. en

Amendment 69

Proposal for a regulation

Article 81 – paragraph 1 – point 4

Regulation (EU) 2018/1139

Article 47 – paragraph 3

Text proposed by the Commission

3. When adopting delegated acts pursuant to paragraphs 1 and 2 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.

Amendment

3. ***Without prejudice to the certification, oversight and enforcement system referred to in Article 62 of this Regulation***, when adopting delegated acts pursuant to paragraphs 1 and 2 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], ***only*** the requirements set out

in Title III, Chapter 2 of that Regulation shall be taken into account.

Or. en

Amendment 70

Proposal for a regulation

Article 81 – paragraph 1 – point 5

Regulation (EU) 2018/1139

Article 57 – paragraph 3

Text proposed by the Commission

When adopting those implementing acts concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.

Amendment

Without prejudice to the certification, oversight and enforcement system referred to in Article 62 of this Regulation, when adopting those implementing acts concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], ***only*** the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account."

Or. en

Amendment 71

Proposal for a regulation

Article 81 – paragraph 1 – point 6

Regulation (EU) 2018/1139

Article 58 – paragraph 3

Text proposed by the Commission

3. When adopting delegated acts pursuant to paragraphs 1 and 2 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account..

Amendment

3. ***Without prejudice to the certification, oversight and enforcement system referred to in Article 62 of this Regulation***, when adopting delegated acts pursuant to paragraphs 1 and 2 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial

Intelligence], **only** the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.

Or. en

Amendment 72

Proposal for a regulation

Article 82 – paragraph 1

Regulation (EU) 2019/2144

Article 11 – paragraph 3

Text proposed by the Commission

3. “When adopting the implementing acts pursuant to paragraph 2, concerning artificial intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.

Amendment

3. “When adopting the implementing acts pursuant to paragraph 2, concerning artificial intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, ***without interfering with existing governance***, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.

Or. en

Amendment 73

Proposal for a regulation

Article 84 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Any relevant future delegated or implementing acts to regulations listed in Annex II, section B, introducing mandatory requirements for High-Risk AI systems laid down in this Regulation, shall take into account the regulatory specificities of each sector and shall not overlap with existing governance, conformity assessment, and enforcement mechanisms and authorities established

therein.

Or. en

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPOREUR FOR THE OPINION HAS RECEIVED INPUT**

- BEUC
- ETF
- Google
- Amazon
- Airbus
- Hitachi
- DG MOVE
- DG Connect
- EASA
- AMCHAM
- ACEA
- CLEPA
- Ericsson