Amendment 774
Cornelia Ernst, Kateřina Konečná
on behalf of The Left Group

Report
Brando Benifei
Artificial Intelligence Act

Proposal for a regulation
Article 1 – paragraph -1

_Or. en_

Text proposed by the Commission

-1 This Regulation is based on the principle that it is for developers, importers, distributors and downstream users to ensure that they develop, place on the market or use artificial intelligence that does not adversely affect health, safety, fundamental rights, and the environment. Its provisions are underpinned by the precautionary principle.

Justification

In addition to, placed before current AM 140;
Amendment 775
Cornelia Ernst, Kateřina Konečná
on behalf of The Left Group

Report
Brando Benifei
Artificial Intelligence Act

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

Text proposed by the Commission

(1a) ‘significant risk’ means a risk that is significant in either its severity, intensity, probability of occurrence, duration of its effects, its ability to affect an individual or a plurality of persons, its ability to affect a particular group of persons, or a combination of those factors;

Amendment

Or. en

Justification

further reaching AM than IMCO-LIBE AM 167;
Amendment 776
Cornelia Ernst, Kateřina Konečná
on behalf of The Left Group

Report
Brando Benifei
Artificial Intelligence Act

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

Text proposed by the Commission

Amendment

(da) the placing on the market, putting into service, or use of AI systems for the purpose of detecting, monitoring or analysing the behaviour of natural persons or groups thereof in publically accessible spaces at a distance.

Or. en
8.6.2023

Amendment 777
Cornelia Ernst, Kateřina Konečná
on behalf of The Left Group

Report
Brando Benifei
Artificial Intelligence Act

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 remote biometric identification systems in publicly accessible spaces;

Or. en

Justification

Further reaching AM than IMCO-LIBE AM 220
Amendment 778
Cornelia Ernst
on behalf of The Left Group

Report
Brando Benifei
Artificial Intelligence Act

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

Text proposed by the Commission

2a. The placing on the market, putting into service or the use of AI systems by or on behalf of competent authorities in migration, asylum or border control management, to surveil or process data in the context of border management activities for the purpose of recognising or detecting objects and natural persons or to profile an individual or assess if a natural person, who intends to enter or has entered the territory of a Member State, may pose a risk, including a risk of threat to internal security, irregular migration or public health, on the basis of personal or sensitive data, known or predicted;

Or. en
Amendment 779
Cornelia Ernst, Kateřina Konečná
on behalf of The Left Group

Report
Brando Benifei
Artificial Intelligence Act

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

Text proposed by the Commission
2b. AI systems that are or may be used for the detection of a person’s presence, in workplaces, in educational settings, and in border surveillance, including in the virtual / online version of these spaces, on the basis of their biometric or biometrics-based data;

Amendment

Or. en
Amendment 780
Cornelia Ernst
on behalf of The Left Group

Report
Brando Benifei
Artificial Intelligence Act

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

Text proposed by the Commission

2c. The placing on the market, the putting into service or the use of AI systems, by or on behalf of competent authorities in migration, asylum and border control management, to forecast or predict movement of persons for the purpose of, or in any way reasonably foreseeably leading to interdicting, curtailing or preventing individual or collective movement in relation to border crossings;

Amendment

Or. en
8.6.2023

**Amendment 781**

**Cornelia Ernst, Kateřina Konečná**
on behalf of The Left Group

Report

**Brando Benifei**
Artificial Intelligence Act

Proposal for a regulation

**Article 6 – paragraph 2**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>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.</td>
<td>2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems shall be considered high-risk if they pose a significant risk to health, safety or fundamental rights. Systems listed in Annex III shall be presumed to pose a high risk.</td>
</tr>
</tbody>
</table>

**Justification**

*Further reaching AM than IMCO-LIBE AM 234*
Amendment 782
Cornelia Ernst, Kateřina Konečná
on behalf of The Left Group

Report
Brando Benifei
Artificial Intelligence Act

Proposal for a regulation
Article 10 – paragraph 5

Text proposed by the Commission

Amendment

5. To the extent that it is strictly necessary for the purposes of ensuring bias monitoring, detection and correction in relation to the high-risk AI systems, the providers of such systems may process special categories of personal data referred to in Article 9(1) of Regulation (EU) 2016/679, Article 10 of Directive (EU) 2016/680 and Article 10(1) of Regulation (EU) 2018/1725, subject to appropriate safeguards for the fundamental rights and freedoms of natural persons, including technical limitations on the re-use and use of state-of-the-art security and privacy-preserving measures, such as pseudonymisation, or encryption where anonymisation may significantly affect the purpose pursued.

Or. en

Justification

The GDPR does not consider this type of use as a legal basis for personal data processing.
8.6.2023

Amendment 783
Cornelia Ernst, Kateřina Konečná
on behalf of The Left Group

Report
Brando Benifei
Artificial Intelligence Act

Proposal for a regulation
Article 29 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Prior to putting into service or use a high-risk AI system at the workplace, employers shall conclude an agreement with workers representatives after consulting in accordance with Directive 2002/14/EC, Directive 2009/38/EC [EWC] or Directive 2001/86/EC [SE’s] and inform the affected employees that they will be subject to the system.

Or. en

Justification

further reaching AM than IMCO-LIBE AM 408.