(18a) In some exceptional situations, that are limited in their scope and duration, the risks posed by real time remote biometric identification systems for the recognition of natural persons in publicly accessible spaces, to the rights and freedoms of concerned persons could be outweighed by the substantial benefits to society, persons and particularly children’s safety and life. This is particularly relevant in the situations that concerns the search for missing children or other persons or for activities aiming to prevent an imminent terrorist attack or a threat to life. In these specific cases and only with preapproval of the judicial authority or by the independent administrative authority of a Member State and subject to other operational safeguards the use of real time remote biometric identification systems could be allowed. Any such use should be subject to their strict compliance with necessary and proportionate safeguards and conditions in relation to the use, in particular as regards the temporal, geographic and personal limitations.
Amendment 801  
Jeroen Lenaers  
on behalf of the PPE Group  

Report  
Brando Benifei  
Artificial Intelligence Act  

Proposal for a regulation  
Article 5 a (new)  

Text proposed by the Commission  

Amendment  

Article 5a  

Derogations from prohibitions  

By way of derogation from Article 5, Member States may, after careful consideration, of the nature of the situation and the consequences of the use authorise the use of real-time remote biometric identification system in publicly accessible spaces subject to the prejudicial authorisation in case it is strictly necessary for:  

(1) the targeted search of missing persons, including children;  

(2) the prevention of a terrorist attack;  

(3) the identification of perpetrators of criminal offences punishable in the Member State concerned for a maximum period of at least three years.  

Or. en