



2021/0106(COD)

13.6.2022

AMENDMENTS 774 - 1189

Draft report

Brando Benifei, Dragoş Tudorache
(PE731.563v01-00)

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 774

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

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 Commission should regularly review Annex III, at least every six months, while consulting with the relevant stakeholders, including ethics experts and anthropologists, sociologists, mental health specialists and any relevant scientists and researchers.

Or. en

Amendment 775

Krzysztof Hetman, Adam Jarubas, Andrzej Halicki, Jerzy Buzek, Janusz Lewandowski, Radosław Sikorski

Proposal for a regulation

Recital 86 a (new)

Text proposed by the Commission

Amendment

(86 a) In order to ensure uniform conditions for the implementation of this Regulation, it should be accompanied by the publication of guidelines to help all stakeholders to interpret key concepts covered by the Regulation, such as prohibited or high-risk AI cases and the precise means and implementation rules of the Regulation by national competent authorities;

Or. en

Amendment 776

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 86 b (new)

Text proposed by the Commission

Amendment

(86 b) When adopting delegated or implementing acts concerning high-risk sectors of AI development, notably those raising concerns with respect to ethical principles or entailing risks to the health or safety of humans, animals or plants, or the protection of the environment, Member States should also assume greater responsibility in the decision-making process. In particular, the abstentions of Member States representatives' should be counted within a qualified majority, each Member State representative should give substantive reasons for votes and abstentions, each of their vote and abstention should be accompanied by a detailed justification, on the basis of Regulation XX/XX amending Regulation (EU) No 182/2011.

Or. en

Amendment 777

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 87 a (new)

Text proposed by the Commission

Amendment

(87 a) As reliable information on the resource and energy use, waste production and other environmental impact of AI systems and related ICT technology, including software, hardware and in particular data centres, is limited, the Commission should evaluate the impact and effectiveness of this Regulation regarding these criteria and

further evaluate bringing legislation for the sector to contribute to EU climate strategy and targets.

Or. en

Amendment 778

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 89

Text proposed by the Commission

(89) The European Data Protection Supervisor and the European Data Protection Board were consulted in accordance with Article 42(2) of Regulation (EU) 2018/1725 and delivered an opinion on *[...]*.

Amendment

(89) The European Data Protection Supervisor and the European Data Protection Board were consulted in accordance with Article 42(2) of Regulation (EU) 2018/1725 and delivered an opinion on **18.6.2021**.

Or. en

Amendment 779

Sophia in 't Veld, Michal Šimečka

Proposal for a regulation

Article 1 – title

Text proposed by the Commission

1 Subject matter

Amendment

1 ***Aim and*** subject matter

Or. en

Amendment 780

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation

Article 1 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1 *The purpose of this Regulation is to ensure a high level of protection of health, safety, fundamental rights, the environment and the Union values enshrined in Article 2 TEU from harmful effects of artificial intelligence systems in the Union while promoting innovation.*

Or. en

Amendment 781

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 1 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1 *The purpose of this Regulation is to ensure a high level of protection of health, safety, fundamental rights and the environment, from harmful effects of artificial intelligence systems ("AI systems") in the Union, while enhancing innovation.*

Or. en

Amendment 782

Sophia in 't Veld, Michal Šimečka

Proposal for a regulation

Article 1 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1 *The purpose of this Regulation is to ensure a high level of protection of health, safety, and fundamental rights from harmful effects of artificial intelligence systems ("AI systems") in the Union, while enhancing innovation.*

Or. en

Amendment 783

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

This Regulation lays down:

Amendment

1. The purpose of this Regulation is to ensure a high level of protection of public interests, such as health, safety, fundamental rights, the environment and democracy from harmful effects of artificial intelligence systems ("AI systems") in the Union, whether individual, societal or environmental, while enhancing innovation. Its provisions are underpinned by the precautionary principle.

This Regulation lays down:

Or. en

Amendment 784

Petar Vitanov, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

This Regulation lays down:

Amendment

The purpose of this Regulation is to ensure a high level of protection of fundamental rights, health, safety and the environment from harmful effects of the use of artificial intelligence systems in the Union while enhancing innovation. This Regulation lays down:

Or. en

Amendment 785

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation

Article premier – paragraph 1 – point a

Text proposed by the Commission

(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**;

Amendment

(a) harmonised **minimum** rules for the **development of human-centric AI in the Union through the** placing on the market, putting into service and use of artificial intelligence systems (‘AI systems’);

Or. fr

Amendment 786

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(a) harmonised rules for the placing on the market, the **development, the** putting into service, **the deployment** and the use of **human-centric and trustworthy** artificial intelligence systems (‘AI systems’) in the Union;

Or. en

Amendment 787

Marion Walsmann

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

(a) harmonised rules for the placing on the market, the putting into service and the

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;

use of *safe and trustworthy* artificial intelligence systems ('AI systems') in the Union;

Or. en

Amendment 788

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

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

Or. en

Amendment 789

Petar Vitanov, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

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

Or. en

Amendment 790

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Petar Vitanov, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

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

Text proposed by the Commission

Amendment

(a a) principles applicable to all AI systems;

Or. en

Justification

Consistent with new Article 4a.

Amendment 791
Jürgen Warborn, Arba Kokalari, Tomas Tobé

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

Text proposed by the Commission

Amendment

(c) specific requirements for high-risk AI systems and obligations for operators of such systems;

(c) specific requirements for high-risk AI systems and obligations for operators of such systems, ***unless these systems are already covered by sector-specific regulation;***

Or. en

Amendment 792
Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

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

Text proposed by the Commission

Amendment

(c a) harmonised rules on high-risk AI systems to ensure a high level of trustworthiness and protection of fundamental rights, health and safety, the Union values enshrined in Article 2 TEU and the environment;

Amendment 793

Petar Vitanov, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(c a) harmonised rules on high-risk AI systems to ensure a high level of trustworthiness and protection of fundamental rights, health and safety

Or. en

Amendment 794

Petar Vitanov, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 1 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(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;*

(d) harmonised transparency rules for AI systems;

Or. en

Amendment 795

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 1 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(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;***

(d) harmonised transparency rules for AI systems;

Or. en

Amendment 796

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Vlad-Marius Botoş, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 1 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(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;***

(d) harmonised transparency rules for ***certain*** AI systems;

Or. en

Amendment 797

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 1 – paragraph 1 – point e

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 798

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

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 enforcement*.

Or. en

Amendment 799

Axel Voss, Deirdre Clune, Eva Maydell

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 800

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(e a) measures in support of innovation with a particular focus on SMEs and start-ups, including but not limited to setting up regulatory sandboxes and targeted measures to reduce the compliance burden on SME's and start-ups;

Amendment 801
Marion Walsmann

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

Text proposed by the Commission

Amendment

(e a) measures to support innovation and provide for a level playing field for European providers of AI systems on international level, in particular for small-scale providers like SMEs.

Or. en

Amendment 802

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Dita Charanzová, Andrus Ansip, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Catharina Rinzema, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

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

Text proposed by the Commission

Amendment

(e a) measures in support of innovation with a particular focus on SMEs and start-ups, including the setting up of regulatory sandboxes and the reduction of regulatory burdens.

Or. en

Amendment 803

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituța

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

Text proposed by the Commission

Amendment

(e a) rules for the establishment and functioning of the European Union Artificial Intelligence Office;

Or. en

Amendment 804

Karlo Ressler

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(e a) measures in support of innovation particularly focusing on SMEs and start-ups.

Or. en

Amendment 805

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Svenja Hahn, Morten Løkkegaard, Alin Mituţa, Michal Šimečka

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(e b) measures in support of innovation, including the setting up of regulatory sandboxes, and measures to reduce the regulatory burden on SMEs and start-ups.

Or. en

Amendment 806

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(e b) the establishment of an independent ‘European Artificial Intelligence Board’ and its activities supporting the enforcement of this Regulation.

Or. en

Amendment 807

Sophia in 't Veld, Michal Šimečka

Proposal for a regulation

Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

This Regulation is based on the principle that it is for developers, importers, distributors and users to ensure that they develop, place on the market or use AI systems that do not adversely affect health, safety, or fundamental rights. Its provisions are underpinned by the precautionary principle.

Or. en

Amendment 808

Kim Van Sparrentak, Sergey Lagodinsky

on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

When justified by significant risks to fundamental rights of persons, including the protection of consumer rights, Member States may introduce regulatory solutions ensuring a higher level of protection of persons than offered in this Regulation.

Amendment 809

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The purpose of this Regulation is to ensure protection of health, safety, fundamental rights and the environment, from harmful effects of artificial intelligence systems in the Union, while supporting innovation.

Or. en

Amendment 810

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

These provisions shall apply to AI systems as a product, service or practice, or as part of a product, service or practice.

Or. en

Amendment 811

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation

Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

This Regulation shall be applied taking due account of the precautionary

principle.

Or. en

Amendment 812

Kateřina Konečn, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 1 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

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.

Or. en

Amendment 813

Pernando Barrena Arza, Kateřina Konečn, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 1 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

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, or the environment. Its provisions are underpinned by the precautionary principle.

Or. en

Amendment 814

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 1 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

Any processing of personal data for the purposes of this Regulation shall take place in accordance with Union legislation for the protection of personal data, in particular Regulation 2016/679, Directive 2016/680, Regulation 2018/1725 and Directive 2002/58.

Or. en

Amendment 815

Kim Van Sparrentak, Sergey Lagodinsky

on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 2 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) providers placing on the market *or* putting into service AI systems in the Union, irrespective of whether those providers are established within the Union or in a third country;

(a) providers placing on the market, ***developing***, putting into service ***or deploying*** AI systems in the Union, irrespective of whether those providers are established within the Union or in a third country;

Or. en

Amendment 816

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 2 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) **providers** placing on the market or putting into service AI systems in the Union, irrespective of whether those **providers** are established within the Union or in a third country;

(a) **operators** placing on the market or putting into service AI systems in the Union, irrespective of whether those **operators** are established within the Union or in a third country;

Or. en

Amendment 817

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(a a) providers of AI systems that have their main establishment in the EU;

Or. en

Amendment 818

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 2 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) users of AI systems **located** within the Union;

(b) users of AI systems **who are physically present or established** within the Union;

Or. en

Amendment 819

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 2 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) **users** of AI systems located within the Union;

(b) **deployers** of AI systems located **or established** within the Union;

Or. en

Amendment 820

Svenja Hahn, Nicola Beer, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 2 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) users of AI systems **located** within the Union;

(b) users of AI systems **who are established** within the Union;

Or. en

Amendment 821

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 2 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) users of AI systems located within the Union;

(b) users of AI systems **that are** located within the Union;

Or. en

Amendment 822

Krzysztof Hetman, Adam Jarubas, Andrzej Halicki, Jerzy Buzek, Janusz Lewandowski, Radosław Sikorski

Proposal for a regulation

Article 2 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) users of AI systems *located within* the Union;

(b) users of AI systems *using the AI system in* the Union;

Or. en

Amendment 823

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(b a) natural persons affected by the use of AI systems;

Or. en

Amendment 824

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) providers and users of AI systems that are located in a third country, where the output produced by the system *is used* in the Union;

(c) providers and users of AI systems that are located in a third country, where the output, *meaning predictions, recommendations or decisions*, produced by the *AI system and influencing the environment it interacts with, is intended for use* in the Union *and puts at risk the health, safety or fundamental rights of natural persons physically present in the Union, insofar as the provider has permitted, is aware or can reasonably expect such use*;

Or. en

Amendment 825

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation
Article 2 – paragraph 1 – point c

Text proposed by the Commission

(c) providers and users of AI systems that are located in a third country, where the output produced by the system is used in the Union;

Amendment

(c) providers and users of AI systems that are located in a third country, where the output produced by the system is used in the Union ***or affects natural persons within the Union;***

Or. en

Amendment 826
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 2 – paragraph 1 – point c

Text proposed by the Commission

(c) providers and users of AI systems that are located in a third country, where the output produced by the system is used in the Union;

Amendment

(c) providers and users of AI systems that are located in a third country, where the output produced by the system is used in the Union ***or has effects in the Union;***

Or. en

Amendment 827
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Article 2 – paragraph 1 – point c

Text proposed by the Commission

(c) providers and users of AI systems ***that are located*** in a third country, where the output produced by the system is used in the Union;

Amendment

(c) providers and users of AI systems ***who are established*** in a third country, where the output produced by the system is used in the Union;

Or. en

Amendment 828
Sophia in 't Veld, Michal Šimečka

Proposal for a regulation
Article 2 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) public authorities in a third country or to international organisations where those authorities or organisations use AI systems in the framework of international agreements for law enforcement and judicial cooperation with the Union or with one or more Member States.

Or. en

Amendment 829
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 2 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) importers, distributors, and authorised representatives of providers of AI systems;

Or. en

Amendment 830
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 2 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) importers, distributors and authorised representatives of providers of

Amendment 831

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(c a) natural persons, affected by the use of an AI system, who are in the Union;

Amendment 832

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(c a) natural persons, affected by the use of an AI system, who are in the Union;

Amendment 833

Svenja Hahn, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(c a) importers and distributors of AI systems;

Or. en

Amendment 834

Svenja Hahn, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(c b) product placing on the market or putting into service an AI system together with their product and under their own name or trademark;

Or. en

Amendment 835

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(c b) providers placing on the market or putting into service AI systems outside the Union where the provider is located within the Union;

Or. en

Amendment 836

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(c b) AI systems as a product, service or practice, or as part of a product, service or practice.

Or. en

Amendment 837

Svenja Hahn, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(c c) authorised representatives of providers, which are established in the Union.

Or. en

Amendment 838

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation

Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. providers placing on the market or putting into service AI systems in a third country where the provider or distributor of such AI systems originates from the Union;

Or. en

Amendment 839

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. This Regulation shall also apply to Union institutions, offices and agencies where they develop, deploy or otherwise make use of AI systems.

Or. en

Amendment 840

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. This Regulation shall apply to Union institutions, offices, bodies and agencies when acting as an operator of an AI system.

Or. en

Amendment 841

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

Amendment

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:

(a) Regulation (EC) 300/2008;

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

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

(d) Directive 2014/90/EU;

(e) Directive (EU) 2016/797;

(f) Regulation (EU) 2018/858;

(g) Regulation (EU) 2018/1139;

(h) Regulation (EU) 2019/2144.

Or. en

Amendment 842

Marion Walsmann

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. ***In order to ensure legal certainty, preserve the existing legislation and avoid duplication, only Article 84 of this Regulation shall apply*** 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:

Or. en

Amendment 843

Axel Voss, Deirdre Clune, Eva Maydell

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 high-risk AI systems that are safety components of products or systems, or which are themselves products or Systems ***and that fall*** within the scope of the ***listed Acts in Annex II - Section B***, only Article 84 of this Regulation shall apply.

Amendment 844

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Jan-Christoph Oetjen

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 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 845

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Jan-Christoph Oetjen

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 846

Axel Voss, Deirdre Clune, Eva Maydell

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 847

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 2 – paragraph 2 – point b

Text proposed by the Commission

Amendment

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

Or. en

Amendment 848

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 2 – paragraph 2 – point b

Text proposed by the Commission

Amendment

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

Or. en

Amendment 849

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Jan-Christoph Oetjen

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 850

Axel Voss, Deirdre Clune, Eva Maydell

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 851

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Jan-Christoph Oetjen

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 852

Axel Voss, Deirdre Clune, Eva Maydell

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 853

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 2 – paragraph 2 – point e

Text proposed by the Commission

Amendment

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

Amendment 854

Axel Voss, Deirdre Clune, Eva Maydell

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 855

Axel Voss, Deirdre Clune, Eva Maydell

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 856

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Jan-Christoph Oetjen

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 857

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Jan-Christoph Oetjen

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 858
Axel Voss, Deirdre Clune, Eva Maydell

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 859
Axel Voss, Deirdre Clune, Eva Maydell

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 860
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Jan-Christoph Oetjen

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

Text proposed by the Commission

Amendment

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

Amendment 861

Svenja Hahn, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. This Regulation shall not apply to AI systems, including their output, specifically developed and put into service for the sole purpose of scientific research and development.

Or. en

Amendment 862

Milan Brglez, Hilde Vautmans, Catharina Rinzema

Proposal for a regulation

Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. AI systems likely to interact with or impact on children shall be considered high-risk for this group;

Or. en

Amendment 863

Svenja Hahn, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 2 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. 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 entail placing an AI system on the market or putting it into service.

Or. en

Amendment 864

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 2 – paragraph 3

Text proposed by the Commission

Amendment

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

Or. en

Amendment 865

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation
Article 2 – paragraph 3

Text proposed by the Commission

Amendment

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

Or. en

Amendment 866

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation
Article 2 – paragraph 3

Text proposed by the Commission

Amendment

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

Or. en

Amendment 867

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Petar Vitanov, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

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.

However, this Regulation shall apply to AI systems which are developed or used as dual-use items, as defined in Article 2, point (1) of Regulation (EU) 2021/821 of the European Parliament and of the Council^{1a}.

^{1a} Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (OJ L 206, 11.6.2021, p. 1).

Or. en

Amendment 868

Sophia in 't Veld, Michal Šimečka

Proposal for a regulation Article 2 – paragraph 3

Text proposed by the Commission

3. This Regulation shall not apply to

Amendment

3. This Regulation shall not apply to

AI systems developed or used exclusively for military purposes.

AI systems developed or used exclusively for military purposes, ***unless the AI system is subsequently used for non-military purposes.***

Or. en

Amendment 869

Axel Voss, Deirdre Clune, Eva Maydell

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 ***or national security*** purposes

Or. en

Amendment 870

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan, Vincenzo Sofo

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 ***designed, modified,*** developed or used exclusively for military purposes.

Or. en

Amendment 871

Rob Rooken

on behalf of the ECR Group

Proposal for a regulation

Article 2 – paragraph 3

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 872

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Union law on the protection of personal data, privacy and the confidentiality of communications applies to personal data processed in connection with the rights and obligations laid down in this Regulation. This Regulation shall not affect Regulations (EU) 2016/679, (EU) 2018/1725 or Directives 2002/58/EC and (EU) 2016/680.

Or. en

Amendment 873

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Any exemptions from the application of this Act to AI systems used exclusively by Member States for national security purposes will be without prejudice to the application of Union law to any activity carried out by the Union or by a Member State that is subject to Union law.

Or. en

Amendment 874

Jürgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation

Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. This Regulation shall not apply to AI systems, including their output, specifically developed and put into service for the sole purpose of research and development.

Or. en

Amendment 875

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Title III of this Regulation shall not apply to AI systems that are used in a business-to-business environment and do not directly impact natural persons.

Or. en

Amendment 876

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation

Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. This Regulation shall apply to Union institutions, offices, bodies and agencies when acting as an operator of an

Amendment 877

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H  l  ne Laporte

Proposal for a regulation

Article 2 – paragraph 4

Text proposed by the Commission

Amendment

4. This Regulation shall not apply to public authorities in a third country nor to international organisations falling within the scope of this Regulation pursuant to paragraph 1, where those authorities or organisations use AI systems in the framework of international agreements for law enforcement and judicial cooperation with the Union or with one or more Member States. *deleted*

Or. fr

Amendment 878

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Ren   Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado L  pez, Maria-Manuel Leit  o-Marques, Marc Angel

Proposal for a regulation

Article 2 – paragraph 4

Text proposed by the Commission

Amendment

4. This Regulation shall not apply to public authorities in a third country nor to international organisations falling within the scope of this Regulation pursuant to paragraph 1, where those authorities or organisations use AI systems in the framework of international agreements for law enforcement and judicial cooperation with the Union or with one or more Member States. *deleted*

Amendment 879

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 2 – paragraph 4

Text proposed by the Commission

Amendment

4. This Regulation shall not apply to public authorities in a third country nor to international organisations falling within the scope of this Regulation pursuant to paragraph 1, where those authorities or organisations use AI systems in the framework of international agreements for law enforcement and judicial cooperation with the Union or with one or more Member States. *deleted*

Amendment 880

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 2 – paragraph 4

Text proposed by the Commission

Amendment

4. This Regulation shall not apply to public authorities in a third country nor to international organisations falling within the scope of this Regulation pursuant to paragraph 1, where those authorities or organisations use AI systems in the framework of international agreements for law enforcement and judicial cooperation with the Union or with one or more Member States. *deleted*

Amendment 881
Sophia in 't Veld, Michal Šimečka

Proposal for a regulation
Article 2 – paragraph 4

Text proposed by the Commission

Amendment

4. This Regulation shall not apply to public authorities in a third country nor to international organisations falling within the scope of this Regulation pursuant to paragraph 1, where those authorities or organisations use AI systems in the framework of international agreements for law enforcement and judicial cooperation with the Union or with one or more Member States. *deleted*

Or. en

Amendment 882
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Article 2 – paragraph 4

Text proposed by the Commission

Amendment

4. This Regulation shall not apply to public authorities in a third country nor to international organisations falling within the scope of this Regulation pursuant to paragraph 1, where those authorities or organisations use AI systems in the framework of international agreements for law enforcement and judicial cooperation with the Union or with one or more Member States. *deleted*

Or. en

Amendment 883

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituţa

**Proposal for a regulation
Article 2 – paragraph 4**

Text proposed by the Commission

4. This Regulation shall not apply to public authorities in a third country nor to international organisations falling within the scope of this Regulation pursuant to paragraph 1, where those authorities or organisations use AI systems in the framework of international agreements for law enforcement and judicial cooperation with the Union or with one or more Member States.

Amendment

4. This Regulation shall not apply to public authorities in a third country nor to international organisations falling within the scope of this Regulation pursuant to paragraph 1, where those authorities or organisations use AI systems in the framework of international agreements for law enforcement and judicial cooperation with the Union or with one or more Member States ***and are subject of a decision of the Commission adopted in accordance with Article 36 of Directive (EU)2016/680 or Article 45 of Regulation 2016/679 ('adequacy decision') or are part of an international agreement concluded between the Union and that third country or international organisation pursuant to Article 218 TFEU adducing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals;***

Or. en

**Amendment 884
Kosma Złotowski, Patryk Jaki**

**Proposal for a regulation
Article 2 – paragraph 4**

Text proposed by the Commission

4. This Regulation shall not apply to public authorities in a third country nor to international organisations falling within the scope of this Regulation pursuant to paragraph 1, where those authorities or organisations use AI systems in the

Amendment

4. This Regulation shall not apply to public authorities in a third country nor to international organisations falling within the scope of this Regulation pursuant to paragraph 1, where those authorities or organisations use AI systems in the

framework of international agreements for law enforcement and judicial cooperation with the Union or with one or more Member States.

framework of international *cooperation or* agreements for law enforcement and judicial cooperation *or in the context of border checks, asylum and immigration related activities* with the Union or with one or more Member States.

Or. en

Amendment 885

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 2 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. The use of any AI-system that is in line with this Regulation, should also continue to comply with the European Charter on Fundamental Rights, secondary Union law and national law. This Regulation shall not provide the legal ground for unlawful AI development, deployment or use.

Or. en

Amendment 886

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 2 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. An AI-system or practice that is in line with this Regulation, should also continue to comply with the European Charter on Fundamental Rights, existing and new secondary Union law and national law.

Or. en

Amendment 887

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Vincenzo Sofo, Adam Bielan

Proposal for a regulation

Article 2 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. This Regulation shall not apply to AI systems, including their output, specifically developed or used exclusively for scientific research and development purposes.

Or. en

Amendment 888

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 2 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. This Regulation shall not affect any research, testing and development activity regarding an AI system prior to this system being placed on the market or put into service.

Or. en

Amendment 889

Kim Van Sparrentak, Sergey Lagodinsky

on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 2 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. This Regulation shall not provide a legal basis for the development, deployment or use of AI systems that is unlawful under Union or national law;

Amendment 890

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation

Article 2 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. This Regulation shall not affect community law on social policy.

Amendment 891

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Petar Vitanov, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation

Article 2 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5 b. This Regulation shall not affect national labour law and practice or collective agreements, and it shall not preclude national legislation to ensure the protection of workers' rights in respect of the use of AI systems by employers, including where this implies introducing more stringent obligations than those laid down in this Regulation.

Amendment 892

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 2 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5 b. This Regulation shall not apply to AI systems, including their output, specifically developed and put into service for the sole purpose of scientific research, testing and development. The Commission may adopt delegated acts that clarify this exemption.

Or. en

Amendment 893

Kim Van Sparrentak, Sergey Lagodinsky

on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 2 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5 b. This Regulation is without prejudice to the rules laid down by other Union legal acts regulating the protection of personal data, in particular Regulation (EU) 2016/679, Directive (EU) 2016/680, Regulation (EU) 2018/1725, and Directive 2002/57/EC;

Or. en

Amendment 894

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 2 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5 b. Member States may adopt or maintain in force more stringent provisions, compatible with the Treaty in the field covered by this Directive, to ensure a higher level of protection of health, safety and fundamental rights.

Amendment 895

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 2 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5 b. This Regulation shall not affect any research and development activity regarding AI systems in so far as such activity does not lead to placing an AI system on the market or putting it into service.

Or. en

Amendment 896

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 2 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5 b. This Regulation shall be without prejudice to Regulation (EU) 2016/679.

Or. en

Amendment 897

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Petar Vitanov, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques

Proposal for a regulation

Article 2 – paragraph 5 c (new)

Text proposed by the Commission

Amendment

5 c. This Regulation is without prejudice to the rules laid down by other Union legal acts regulating other aspects

of AI systems as well as the national rules aimed at enforcing or, as the case may be, implementing these acts, in particular Union law on consumer protection and product safety, including Regulation (EU) 2017/2394, Regulation (EU) 2019/1020, Directive 2001/95/EC on general product safety and Directive 2013/11/EU.

Or. en

Amendment 898

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 2 – paragraph 5 c (new)

Text proposed by the Commission

Amendment

5 c. This Regulation is without prejudice to the rules laid down by other Union legal acts relating to consumer protection and product safety, including Regulation (EU) 2017/2394, Regulation (EU) 2019/1020 and Directive 2001/95/EC on general product safety and Directive 2013/11/EU.

Or. en

Amendment 899

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Article 2 – paragraph 5 c (new)

Text proposed by the Commission

Amendment

5 c. This Regulation shall be without prejudice to Community law on social policy.

Or. en

Amendment 900

Kateřina Konečn, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 2 – paragraph 5 d (new)

Text proposed by the Commission

Amendment

5 d. This Regulation shall be without prejudice to national labour law and practice, that is any legal or contractual provision concerning employment conditions, working conditions, including health and safety at work and the relationship between employers and workers, including information, consultation and participation

Or. en

Amendment 901

Kateřina Konečn, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 2 – paragraph 5 e (new)

Text proposed by the Commission

Amendment

5 e. This Regulation shall not in any way affect the exercise of fundamental rights as recognised in the Member States and at Union level, including the right or freedom to strike or to take other action covered by the specific industrial relations systems in Member States, in accordance with national law and/or practice. Nor does it affect the right to negotiate, to conclude and enforce collective agreements, or to take collective action in accordance with national law and/or practice.

Or. en

Amendment 902

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituța

Proposal for a regulation

Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2 a

Metaverse environments

1. This regulation shall apply, mutatis mutandis, to operators of AI systems operating in virtual environments that can be accessed by natural persons in the Union that fulfil all the following criteria ('metaverse environments'):

(i) they require natural persons to have a uniquely identifiable and permanent representation within the virtual environment that is legally and economically connected to them via an official identity document, a digital identity, a digital wallet, or equivalent;

(ii) they are built for social and economic interaction on a large scale;

(iii) they allow natural persons to behave and interact virtually in manners that are consistent with their real-world behaviours and interactions and that can be analysed to infer real-world characteristics, including personal data;

(iv) they allow natural persons to engage in real-world financial transactions, including through blockchain-backed digital currencies and non-fungible tokens;

(v) they allow for such interactions between natural persons as to make possible risks to the health, safety, or fundamental rights of natural persons or to bring prejudice to the values of the Union as enshrined in Article 2 TEU.

Or. en

Amendment 903

Rob Rooken

on behalf of the ECR Group

Proposal for a regulation

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(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;**

Amendment

(1) ‘artificial intelligence system’ (AI system) **refers to systems designed by humans that, given a complex goal, act in the physical or digital world by perceiving their environment, interpreting the collected structured or unstructured data, reasoning on the knowledge derived from this data and deciding the best action(s) to take (according to pre-defined parameters) to achieve the given goal. AI systems can also be designed to learn to adapt their behaviour by analysing how the environment is affected by their previous actions. As a scientific discipline, AI includes several approaches and techniques, such as machine learning (of which deep learning and reinforcement learning are specific examples), machine reasoning (which includes planning, scheduling, knowledge representation and reasoning, search, and optimization), and robotics (which includes control, perception, sensors and actuators, as well as the integration of all other techniques into cyber-physical systems);**

Or. en

Amendment 904

Geoffroy Didier

Proposal for a regulation

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘artificial intelligence system’ (AI

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;

system) means **a system that combines these three criteria:**

(i) receives machine and/or human-based data and inputs,

(ii) infers 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**

(iii) generates outputs in the form of content (generative AI systems), predictions, recommendations or decisions, which influence the environments it interacts with;

Or. en

Justification

At this point, the definition of AI (and AI techniques and approaches list of Annex I) is very broad in that they can include all types of systems or software applications, including software already on the market for decades, that do not involve the same risks. The inclusion of such systems or applications within the scope of the regulation would hampering innovation in technology companies, especially smaller ones. However, in a context of international competitiveness, it is essential to encourage technological development and not to prevent SMEs from accessing these markets.

Amendment 905

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Vincenzo Sofo, Adam Bielan

Proposal for a regulation

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(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,

Amendment

(1) ‘artificial intelligence system’ (AI system) means software that **display intelligent behaviour by analysing their environment and taking actions – with some degree of autonomy – to achieve**

predictions, recommendations, or decisions **influencing** the environments **they interact** with;

specific goals, which:

(a) receives machine and/or human-based data and inputs;

(b) infers how to achieve a given set of human-defined objectives using data-driven models created through learning or reasoning implemented with the techniques and approaches listed in Annex I, and

(c) generates outputs in the form of content (generative AI systems), predictions, recommendations or decisions, which influence the environments it interacts with;

Or. en

Amendment 906

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(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;**

Amendment

(1) ‘artificial intelligence system’ (AI system) means **a machine-based system** that is developed with one or more of the techniques and approaches listed in Annex I and **is capable of influencing the environment by producing an output**(predictions, recommendations, or decisions) **for a given set of objectives. It uses machine and/or human-based data and inputs to (i) perceive real and/or virtual environments; (ii) abstract these perceptions into models through analysis in an automated manner (e.g. with machine learning), or manually; and (iii) use model inference to formulate options for outcomes. AI systems are designed to operate with varying levels of autonomy;**

Or. en

Justification

Unchanged OECD definition

Amendment 907
Morten Løkkegaard

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

Text proposed by the Commission

(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;**

Amendment

(1) ‘artificial intelligence’ (AI) **systems are** software **(and also hardware) systems designed by humans** that, given a complex goal, act in the physical or digital dimension by perceiving their environment through data acquisition, interpreting the collected structured or unstructured data, reasoning on the knowledge, or processing the information, derived from this data and deciding the best action(s) to take to achieve the given goal. AI systems can either use symbolic rules or learn a numeric model, and they can also adapt their behaviour by analysing how the environment is affected by their previous actions;

Or. en

Justification

A more technology neutral definition of AI, as proposed by the independent high-level expert group set up by the European Commission, should be supported instead of the current proposal. The current proposal for the definition of AI is very technology centric, essentially based on a list of specific technologies in Annex I. The list in Annex I includes a lot of technologies which are usually not regarded as AI (such as logics, knowledge, statistics and optimization). Furthermore, it mentions terms such as deep learning, which is a very hyped term at the moment, but it lacks a clear definition.

Amendment 908
Jürgen Warborn, Arba Kokalari, Tomas Tobé

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

Text proposed by the Commission

(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;**

Amendment

(1) ‘artificial intelligence system’ (AI system) means **a system that**

(I) receives machine and/or human-based data and inputs,

(II) infers 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

(III) generates outputs in the form of content, predictions, recommendations or decisions, which influence the environments it interacts with;

Or. en

Justification

There is a need to distinguish AI systems from classic software systems and programming that the AI Act was never meant to target.

Amendment 909

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(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;**

Amendment

(1) ‘artificial intelligence (**AI**)’ means **computer systems that act in the physical or digital world and that, in an automated manner:**

(i) decide on action(s) to take according to predefined parameters by perceiving their environment and analysing the collected structured or unstructured information from that environment; and/or

(ii) can adapt their decisions by analysing how the environment is affected by their previous actions.

Or. en

Amendment 910
Andrea Caroppo, Salvatore De Meo

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

Text proposed by the Commission

(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;

Amendment

(1) ‘artificial intelligence system’ (AI system) means ***a system that operates with varying degrees of autonomy, uses*** one or more of the techniques and approaches listed in Annex I and can, for human-defined objectives, generate outputs such as content, predictions, recommendations, or decisions influencing the environments they interact with ***and that cannot be fully predicted by the natural person developing the system;***

Or. en

Amendment 911
Carlo Fidanza

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

Text proposed by the Commission

(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,

Amendment

(1) ‘artificial intelligence system’ (AI system) means ***a machine-based system that*** can, for a given set of human-defined objectives, ***make*** predictions, recommendations, or decisions ***real or***

generate outputs such as content, predictions, recommendations, or decisions influencing the environments they interact with;

virtual environments

Or. en

Justification

The development and uptake of AI applications and improved consumer confidence requires a more detailed definition of an AI system than the one proposed by the European Commission. In order for EU players to compete with their counterparts in other parts of the world, the OECD's definition would serve as a good basis to reduce legal uncertainty and using the OECD's definition may moreover inspire a common approach to AI at global level.

Amendment 912

Svenja Hahn, Nicola Beer, Vlad-Marius Botoș, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(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;*

Amendment

(1) ‘artificial intelligence system’ (AI system) means software that *can, for a given set of human-defined objectives, generate outputs such as predictions, recommendations, or decisions influencing real or virtual environments; AI systems can be designed to operate with varying levels of autonomy and can be* developed with one or more of the techniques and approaches listed in Annex I;

Or. en

Amendment 913

Alessandra Basso, Marco Campomenosi, Isabella Tovaglieri, Mara Bizzotto, Silvia Sardone, Annalisa Tardino

Proposal for a regulation

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(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;

Amendment

(1) ‘artificial intelligence system’ (AI system) means **a system based on machine or human-based data and input that infers how to achieve a given set of human-defined objectives using** one or more of the techniques and approaches listed in Annex I and **generates** outputs such as content, predictions, recommendations, or decisions influencing the environments they interact with;

Or. en

Amendment 914

Krzysztof Hetman, Adam Jarubas, Andrzej Halicki, Jerzy Buzek, Janusz Lewandowski, Radosław Sikorski

Proposal for a regulation

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(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;

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, **indispensably with some degree of autonomy,** generate outputs such as content, predictions, recommendations, or decisions influencing the environments they interact with;

Or. en

Amendment 915

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H el ene Laporte, Jean-Paul Garraud

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 is developed with one or more of the techniques and approaches listed in Annex I and can, for a given set of *objectives or parameters subject to human command*, generate outputs such as content, predictions, recommendations, or decisions influencing the environments they interact with;

Or. fr

Amendment 916
Marion Walsmann

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

Text proposed by the Commission

(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;

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 *and with varying levels of autonomy*, generate outputs such as content, predictions, recommendations, or decisions influencing the environments they interact with;

Or. en

Amendment 917
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

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

Text proposed by the Commission

(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

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**;

given set of **inputs and** objectives, generate outputs such as content, predictions, recommendations, or decisions;

Or. en

Amendment 918

Karlo Ressler

Proposal for a regulation

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(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**;

Amendment

(1) ‘artificial intelligence system’ (AI system) means **a machine-based system that** can, for a given set of human-defined objectives, **make** predictions, recommendations, or decisions influencing **real or virtual environments and is designed to operate with varying levels of autonomy**;

Or. en

Amendment 919

Kateřina Konečn, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(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;

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 generate outputs such as content, predictions, recommendations, or decisions influencing the environments they interact with;

Amendment 920

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(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;

Amendment

(1) ‘artificial intelligence system’ (AI system) means software that ***can perceive, learn, reason or model based on machine and/or human based inputs, to*** generate outputs such as content, ***hypotheses,*** predictions, recommendations, or decisions influencing the ***real or virtual*** environments they interact with;

Amendment 921

Petar Vitanov, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Marina Kaljurand, Maria Grapini

Proposal for a regulation

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(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;

Amendment

(1) ‘artificial intelligence system’ (AI system) means software that ***can for example perceive, learn, reason or model based on machine and/or human based inputs, to*** generate outputs such as content, ***hypotheses,*** predictions, recommendations, or decisions influencing the ***real or virtual*** environments they interact with;

Amendment 922

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H el ene Laporte, Jean-Paul Garraud

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(1a) ‘human-centric AI’ means an approach which strives to ensure that human values are central to the development, deployment, use and monitoring of AI systems, by ensuring respect for fundamental rights, including those set out in the Treaties of the European Union and the Charter of Fundamental Rights of the European Union, all of which are united by reference to a common foundation rooted in respect for human dignity, in which every human being enjoys a unique and inalienable moral status, which also entails consideration of the natural environment and of other living beings that are part of the human ecosystem, as well as a sustainable approach enabling the flourishing of future generations;

Or. fr

Justification

Definition based on the 2019 Ethics Guidelines for Trustworthy AI by the High Level Expert Group on Artificial Intelligence set up by the European Commission.

Amendment 923

Svenja Hahn, Nicola Beer, Vlad-Marius Botoș, Moritz K orner, Jan-Christoph Oetjen

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(1 a) ‘autonomy’ means that to some degree an AI system operates by interpreting certain input and by using a set of pre-determined objectives, without

being limited to such instructions, even when the system's behaviour was initially constrained by, and targeted at, fulfilling the goal it was given and other relevant design choices made by its developer;

Or. en

Amendment 924

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(1 a) 'machine learning' means an AI system that gives computers the ability to find patterns in data without being explicitly programmed for a given task;

Or. en

Amendment 925

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(1 b) 'general purpose AI system' means an AI system that - irrespective of the modality in which it is placed on the market or put into service including as open source software - is able to perform generally applicable functions such as image or speech recognition, audio or video generation, pattern detection, question answering, translation or others; a general purpose AI system may be used in a plurality of contexts and may be integrated in a plurality of other AI systems;

Or. en

Amendment 926

Svenja Hahn, Nicola Beer, Vlad-Marius Botoș, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(1 b) 'general purpose AI system' means an AI system that is able to perform generally applicable functions for multiple potential purposes, such as image or speech recognition, audio or video generation, pattern detection, question answering, and translation, is largely customizable and often open source software;

Or. en

Amendment 927

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 3 – paragraph 1 – point 1 c (new)

Text proposed by the Commission

Amendment

(1 c) 'autonomous' means an AI-system that operates by interpreting certain input and results and by using a set of pre-determined objectives, without being limited to such instructions, despite the system's behaviour being constrained by, and targeted at, fulfilling the goal it was given and other relevant design choices made by its provider;

Or. en

Justification

Unchanged definition from AI Whitepaper (Commission)

Amendment 928

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 3 – paragraph 1 – point 1 d (new)

Text proposed by the Commission

Amendment

(1 d) ‘risk’ means the combination of the probability of occurrence of a harm and the severity of that harm;

Or. en

Amendment 929

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 3 – paragraph 1 – point 1 e (new)

Text proposed by the Commission

Amendment

(1 e) ‘harm’ means an adverse impact affecting the health, safety or fundamental rights of a natural person;

Or. en

Amendment 930

Svenja Hahn, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 3 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(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;

(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 ***and places*** it on the market or ***puts*** it into service under its own name or trademark, whether for payment or free of charge ***or that adapts general purpose AI systems to a specific intended purpose;***

Justification

'Developer' is the a more accurate term and, moreover, used within the tech community. Therefore, the term "provider" should be replaced by "developer" throughout the entire text of the Regulation, even though the Renew Europe IMCO Shadow Rapporteur refrains from tabling separate amendments on all concerning passages for reasons of readability.

Amendment 931

Axel Voss, Deirdre Clune, Eva Maydell

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) 'provider' means a natural or legal person, public authority, agency or other body that **places** an AI system on the market or **puts** it into service under its own name or trademark, whether for payment or free of charge **or that adapts general purpose AI systems to an intended purpose;**

Or. en

Amendment 932

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

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) '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 **and places that system** on the market or **puts** it into service under its own name or trademark, whether for payment or free of charge;

Or. en

Amendment 933
Andrea Caroppo, Salvatore De Meo

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) ‘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 ***and places that system*** on the market or ***puts*** it into service under its own name or trademark, whether for payment or free of charge;

Or. en

Amendment 934
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 3 – paragraph 1 – point 2 a (new)

Text proposed by the Commission

Amendment

(2 a) ‘new provider’ means a natural or legal person that becomes provider for the purposes of this Regulation due to one of the circumstances referred to in Art 23a(1).

Or. en

Amendment 935
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 3 – paragraph 1 – point 2 b (new)

Text proposed by the Commission

Amendment

(2 b) ‘former provider’ means a provider that initially placed the AI system on the market or put it into service but is according to Art 23a(2) no longer

considered a provider for the purposes of this Regulation;

Or. en

Amendment 936

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 3 – paragraph 1 – point 2 c (new)

Text proposed by the Commission

Amendment

(2 c) ‘original provider’ means a provider of a general purpose AI system, who has made available the AI system to a natural or legal person that itself became a provider by giving an intended purpose to the general purpose AI system;

Or. en

Amendment 937

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 3 – paragraph 1 – point 3

Text proposed by the Commission

Amendment

(3) ‘small-scale provider’ means a provider that is a micro or small enterprise within the meaning of Commission Recommendation 2003/361/EC⁶¹ ;

deleted

⁶¹ *Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).*

Or. en

Amendment 938
Axel Voss, Deirdre Clune, Eva Maydell

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

Text proposed by the Commission

Amendment

(3) ‘small-scale provider’ means a provider that is a micro or small enterprise within the meaning of Commission Recommendation 2003/361/EC⁶¹ ; *deleted*

⁶¹ Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

Or. en

Amendment 939
Svenja Hahn, Nicola Beer, Morten Løkkegaard, Vlad-Marius Botoș, Samira Rafaela, Monica Semedo, Salima Yenbou, Moritz Körner, Jan-Christoph Oetjen

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

Text proposed by the Commission

Amendment

(3 a) ‘risk’ means the combination of the probability of occurrence of a harm and the severity of that harm;

Or. en

Amendment 940
Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Vlad-Marius Botoș, Samira Rafaela, Monica Semedo, Salima Yenbou, Moritz Körner, Jan-Christoph Oetjen

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

Text proposed by the Commission

Amendment

(3 b) ‘significant harm’ means a material harm to a person’s life, health and safety or fundamental rights or entities or society at large whose severity is exceptional. The severity is in particular exceptional when the harm is hardly reversible, the outcome has a material adverse impact on health or safety of a person or the impacted person is dependent on the outcome;

Or. en

Amendment 941

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H el ene Laporte, Jean-Paul Garraud

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, agency or other body using an AI system under its authority;

Or. fr

Amendment 942

Andrea Caroppo, Salvatore De Meo

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, agency or other body using an AI system under its authority;

Amendment 943

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

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, **data subject**, public authority, agency or other body using an AI system under its authority **and on its own responsibility**, except where the AI system is used in the course of a personal non-professional activity;

Or. en

Amendment 944

Kosma Zlotowski, Patryk Jaki, Adam Bielan

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) ‘**deployer**’ 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;

Or. en

Amendment 945

Axel Voss, Deirdre Clune, Eva Maydell

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) ‘*deployer*’ 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;

Or. en

Amendment 946

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

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) ‘*deployer*’ 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;

Or. en

Amendment 947

Svenja Hahn, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș,
Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

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) ‘*deployer*’ 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;

Or. en

Justification

'Deployer' is a more accurate term than "user" and used within the tech community. Moreover, the term 'user' would lead to legal overlaps and contradictions with other laws such as the GDPR. Therefore, the term "user" should be replaced by "deployer" throughout the entire text of the regulation, even though the Renew Europe IMCO Shadow Rapporteur refrains from tabling separate amendments on all concerning passages for reasons of readability.

Amendment 948

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 3 – paragraph 1 – point 4 a (new)

Text proposed by the Commission

Amendment

(4 a) 'AI subject' means any natural or legal person that is subject to a decision based on or assisted by an AI system, or subject to interaction with an AI system or treatment of data relating to them by an AI system, or otherwise subjected to analysis by an AI or otherwise impacted or affected by an AI system;

Or. en

Amendment 949

Andrea Caroppo, Salvatore De Meo

Proposal for a regulation

Article 3 – paragraph 1 – point 4 a (new)

Text proposed by the Commission

Amendment

(4 a) 'end user' means any natural person who, in the context of employment or contractual agreement with the user, uses or deploys the AI system under the authority of the user;

Or. en

Amendment 950

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 3 – paragraph 1 – point 4 a (new)

Text proposed by the Commission

Amendment

(4 a) 'End-user' means any natural person who, in the framework of employment, contract or agreement with the deployer, uses the AI system under the authority of the deployer;

Or. en

Amendment 951

René Repasi, Marc Angel, Andreas Schieder, Maria-Manuel Leitão-Marques

Proposal for a regulation

Article 3 – paragraph 1 – point 4 a (new)

Text proposed by the Commission

Amendment

(4 a) 'affected person' means the natural or legal person who is ultimately directly or indirectly affected by the deployment of an AI system.

Or. en

Justification

The amendment intends to cover persons that are affected by the AI system without actively using it (users) nor subject to their personal data being used (data subject).

Amendment 952

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 3 – paragraph 1 – point 5

Text proposed by the Commission

Amendment

(5) 'authorised representative' means

(5) 'authorised representative' means

any natural or legal person established in the Union who has received a written mandate from a provider of an AI system to, respectively, perform and carry out on its behalf the obligations and procedures established by this Regulation;

any natural or legal person ***physically present or*** established in the Union who has received ***and accepted*** a written mandate from a provider of an AI system to, respectively, perform and carry out on its behalf the obligations and procedures established by this Regulation;

Or. en

Amendment 953

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 3 – paragraph 1 – point 5

Text proposed by the Commission

(5) ‘***authorised*** representative’ means any natural or legal person established in the Union who has received a written mandate from a provider of an AI system to, respectively, perform and carry out on its behalf the obligations and procedures established by this Regulation;

Amendment

(5) ‘***legal*** representative’ means any natural or legal person established in the Union who has received a written mandate from a provider of an AI system to, respectively, perform and carry out on its behalf ***any of*** the obligations and procedures established by this Regulation;

Or. en

Amendment 954

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 955

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 3 – paragraph 1 – point 6

Text proposed by the Commission

(6) ‘importer’ means any natural or legal person established in the Union that places on the market ***or puts into service*** an AI system that bears the name or trademark of a natural or legal person established outside the Union;

Amendment

(6) ‘importer’ means any natural or legal person ***physically present or*** established in the Union that places on the market an AI system that bears the name or trademark of a natural or legal person established outside the Union;

Or. en

Amendment 956

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 3 – paragraph 1 – point 7 a (new)

Text proposed by the Commission

Amendment

(7 a) ‘economic operator’ means the provider, the authorised representative, the importer and the distributor;

Or. en

Amendment 957

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 3 – paragraph 1 – point 8

Text proposed by the Commission

Amendment

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

(8) ‘operator’ means the ***economic operator and*** the user;

Or. en

Amendment 958

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

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 provider, the *deployer*, the authorised representative, the importer and the distributor;

Or. en

Amendment 959

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

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 provider, the user, the *legal* representative, the importer and the distributor;

Or. en

Amendment 960

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 3 – paragraph 1 – point 8 a (new)

Text proposed by the Commission

Amendment

(8 a) ‘affected person’ means any natural person or a group of persons who are subjects to or affected by an AI system

Or. en

Amendment 961

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation

Article 3 – paragraph 1 – point 8 a (new)

Text proposed by the Commission

Amendment

(8 a) ‘affected person’ means any natural person or group of persons who are subject to or affected by an AI system;

Or. en

Amendment 962

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Article 3 – paragraph 1 – point 11

Text proposed by the Commission

Amendment

(11) ‘putting into service’ means the supply of an AI system for first use directly to the user or for own use on the Union market for its intended purpose;

(11) ‘putting into service’ means the supply of an AI system for first use directly to the user or for own use on the Union market for its intended purpose **or reasonably foreseeable use** ;

Or. en

Amendment 963

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 3 – paragraph 1 – point 11

Text proposed by the Commission

Amendment

(11) ‘putting into service’ means the supply of an AI system for first use directly to the **user** or for own use on the Union

(11) ‘putting into service’ means the supply of an AI system for first use directly to the **deployer** or for own use on the

market for its intended purpose;

Union market for its intended purpose;

Or. en

Amendment 964

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Article 3 – paragraph 1 – point 11

Text proposed by the Commission

(11) ‘putting into service’ means the supply of an AI system for first use directly to the user or for own use on the Union market for its *intended purpose*;

Amendment

(11) ‘putting into service’ means the supply of an AI system for first use directly to the user or for own use on the Union market for its *foreseeable uses*;

Or. en

Amendment 965

Nathalie Colin-Oesterlé

Proposal for a regulation

Article 3 – paragraph 1 – point 11 a (new)

Text proposed by the Commission

Amendment

(11a) ‘testing’ means making the AI system available to a limited and restricted group of users before it is placed on the market or put into service;

Or. fr

Amendment 966

Kosma Zlotowski, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 3 – paragraph 1 – point 12

Text proposed by the Commission

(12) ‘intended purpose’ means the use for which an AI system is intended by the

Amendment

(12) ‘intended purpose’ means the *specific* use for which an AI system is

provider, including the specific context and conditions of use, as specified in the information supplied by the provider in the instructions for use, promotional or sales materials and statements, as well as in the technical documentation;

intended by the provider, including the specific context and conditions of use, as specified in the information supplied by the provider in the instructions for use, promotional or sales materials and statements, as well as in the technical documentation; ***general purpose AI systems shall not be considered as having an intended purpose within the meaning of this Regulation;***

Or. en

Amendment 967

Pernando Barrera Arza, Cornelia Ernst

Proposal for a regulation

Article 3 – paragraph 1 – point 12

Text proposed by the Commission

(12) ‘***intended purpose***’ means the use for which ***an*** AI system is intended ***by the provider, including the specific context and conditions of use, as specified in the information supplied by the provider in the instructions for use, promotional or sales materials and statements, as well as in the technical documentation;***

Amendment

(12) ‘***foreseeable uses***’ means ***uses that can reasonably be expected to be made of an AI system, including but not limited to the use for which the AI system is intended for consumers or the likely use by consumers under reasonably foreseeable conditions;***

Or. en

Justification

The AI Act as it stands does not address the uses other than the intended use that nevertheless can be reasonably expected of users. Most AI systems have multiple potential uses; some, like GPT3, could have hundreds of use cases. If a user does not follow the provider’s “intended purpose”, it becomes itself a provider and therefore needs to redo the whole compliance process. This is extremely inefficient, as it remains the same AI system (same underlying code). Requirements and registration could apply to the foreseeable use instead, to save time for national competent authorities, notified bodies and economic operators.

Amendment 968

René Repasi, Marc Angel, Andreas Schieder, Maria-Manuel Leitão-Marques

Proposal for a regulation

Article 3 – paragraph 1 – point 12

Text proposed by the Commission

(12) ‘*intended* purpose’ means the use for which an AI system is intended by the provider, including the specific context and conditions of use, as specified in the information supplied by the provider in the instructions for use, promotional or sales materials and statements, as well as in the technical documentation;

Amendment

(12) ‘*reasonably foreseeable* purpose’ means the use for which an AI system is intended by the provider, including the specific context and conditions of use, as specified in the information supplied by the provider in the instructions for use, promotional or sales materials and statements, as well as in the technical documentation;

Or. en

Justification

The amendment intends to cover a wider range of potential uses for the technology. Example: a system for ‘visual recognition’ could be intended to identify text and then be used to identify QR codes.

Amendment 969

Sophia in 't Veld, Michal Šimečka

Proposal for a regulation

Article 3 – paragraph 1 – point 12 – point i (new)

Text proposed by the Commission

Amendment

i) ‘Reasonably foreseeable use’ means the use of an AI system in a way that is or should be reasonably foreseeable and that addresses the risks to health, safety and fundamental rights that it can cause.

Or. en

Amendment 970

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 3 – paragraph 1 – point 12 a (new)

Text proposed by the Commission

Amendment

(12 a) 'foreseeable uses' means uses that can reasonably be expected to be made of an AI system, including but not limited to the use for which the AI system is intended for consumers or the likely use by consumers under reasonably foreseeable conditions;

Or. en

Amendment 971

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 3 – paragraph 1 – point 12 a (new)

Text proposed by the Commission

Amendment

(12 a) 'reasonably foreseeable use' means the use of an AI system in a way that is or should be reasonably foreseeable;

Or. en

Amendment 972

Marion Walsmann

Proposal for a regulation

Article 3 – paragraph 1 – point 13

Text proposed by the Commission

Amendment

(13) 'reasonably foreseeable misuse' means the use of an AI system in a way that is not in accordance with its intended purpose, but which may result from reasonably foreseeable human behaviour or interaction with other systems;

deleted

Or. en

Amendment 973

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 3 – paragraph 1 – point 13

Text proposed by the Commission

(13) ‘reasonably foreseeable misuse’ means the use of an AI system in a way that is not in accordance with its intended purpose, but which may result from reasonably foreseeable human behaviour or interaction with other systems;

Amendment

(13) ‘reasonably foreseeable misuse’ means the use of an AI system in a way that is not in accordance with its intended purpose **and with the specific context and conditions of use established by the provider**, but which may result from reasonably foreseeable human behaviour or interaction with other systems;

Or. en

Amendment 974
Andrea Caroppo, Salvatore De Meo

Proposal for a regulation
Article 3 – paragraph 1 – point 13

Text proposed by the Commission

(13) ‘reasonably foreseeable misuse’ means the use of an AI system **in a way that is not in accordance with** its intended purpose, but which may result from reasonably foreseeable human behaviour or interaction with other systems;

Amendment

(13) ‘reasonably foreseeable misuse’ means the use of an AI system **within** its intended purpose, but **not in accordance with the specific context and conditions of use established by the provider and in a way** which may result from reasonably foreseeable human behaviour or interaction with other systems;

Or. en

Amendment 975
Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation
Article 3 – paragraph 1 – point 13

Text proposed by the Commission

(13) ‘reasonably foreseeable misuse’ means the use of an AI system in a way

Amendment

(13) ‘reasonably foreseeable misuse’ means the use of an AI system in a way

that is not in accordance with its *intended* purpose, but which may result from reasonably foreseeable human behaviour or interaction with other systems;

that is not in accordance with its purpose *as indicated in instruction for use or technical specification*, but which may result from reasonably foreseeable human behaviour or interaction with other systems;

Or. en

Amendment 976

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 3 – paragraph 1 – point 13

Text proposed by the Commission

(13) ‘reasonably foreseeable misuse’ means the use of an AI system in a way that is not in accordance with its intended purpose, but which may result from reasonably foreseeable human behaviour or interaction with other systems;

Amendment

(13) ‘reasonably foreseeable misuse’ means the use of an AI system in a way that is not in accordance with its intended purpose, but which may result from reasonably foreseeable human behaviour or interaction with other systems, *including other AI systems*;

Or. en

Amendment 977

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Article 3 – paragraph 1 – point 13

Text proposed by the Commission

(13) ‘reasonably foreseeable misuse’ means the use of an AI system in a way that is not in accordance with its intended purpose, but which may result from reasonably foreseeable human behaviour or interaction with other systems;

Amendment

(13) ‘reasonably foreseeable misuse’ means the use of an AI system in a way that is not in accordance with its intended purpose, but which may result from reasonably foreseeable human behaviour or interaction with other systems, *and with other AI systems*;

Or. en

Amendment 978

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 3 – paragraph 1 – point 13

Text proposed by the Commission

(13) ‘reasonably foreseeable misuse’ means the use of an AI system in a way that is not in accordance with its intended purpose, but which may result from reasonably foreseeable human behaviour or interaction with other systems;

Amendment

(13) ‘reasonably foreseeable misuse’ means the use of an AI system in a way that is not in accordance with its intended purpose, but which may result from reasonably foreseeable human behaviour or interaction with other systems, **and with other AI systems**;

Or. en

Amendment 979

Nathalie Colin-Oesterlé

Proposal for a regulation

Article 3 – paragraph 1 – point 13

Text proposed by the Commission

(13) ‘reasonably foreseeable misuse’ means the use of an AI system in a way that is not in accordance with its intended purpose, but which may result from reasonably foreseeable human behaviour **or interaction with other systems**;

Amendment

(13) ‘reasonably foreseeable misuse’ means the use of an AI system in a way that is not in accordance with its intended purpose, but which may result from **known and** reasonably foreseeable human behaviour;

Or. fr

Amendment 980

Karlo Ressler

Proposal for a regulation

Article 3 – paragraph 1 – point 13 a (new)

Text proposed by the Commission

Amendment

(13 a) ‘harmful subliminal technique’ means a measure whose existence and operation are entirely imperceptible by those on whom it is used, and which has the purpose and direct effect to induce actions leading to that person’s physical or psychological harm.

Or. en

Amendment 981

Andrea Caroppo, Salvatore De Meo

Proposal for a regulation

Article 3 – paragraph 1 – point 14

Text proposed by the Commission

(14) ‘safety component of a product or system’ means a component of a product or of a system which fulfils a safety function for that product or system or the failure or malfunctioning of which endangers the health and safety of persons or property;

Amendment

(14) ‘safety component of a product or system’ means a component of a product or of a system which fulfils a safety function for that product or system or the failure or malfunctioning of which endangers the health and safety of persons or property, ***but which is not necessary in order for the product or system to function;***

Or. en

Amendment 982

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 3 – paragraph 1 – point 14

Text proposed by the Commission

(14) ‘safety component of a product or system’ means a component of a product or of a system which fulfils a safety function for that product or system ***or the failure or malfunctioning of which endangers*** the health and safety of persons ***or property;***

Amendment

(14) ‘safety component of a product or system’ means, ***in line with the relevant Union harmonisation legislation listed in Annex II,*** a component of a product or of a system which fulfils a ***direct and critical*** safety function for that product or system ***so that its malfunction endangers*** the health and safety of persons;

Amendment 983

Petar Vitanov, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 3 – paragraph 1 – point 14

Text proposed by the Commission

(14) ‘safety component of a product or system’ means a component of a product or of a system which fulfils a safety function for that product or system or the failure or malfunctioning of which endangers the health **and** safety of persons **or** property;

Amendment

(14) ‘safety component of a product or system’ means a component of a product or of a system which fulfils a safety **or security** function for that product or system or the failure or malfunctioning of which endangers the **fundamental rights**, health **or** safety of persons, **or which damages** property **or the environment**;

Amendment 984

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation

Article 3 – paragraph 1 – point 14

Text proposed by the Commission

(14) ‘safety component of a product or system’ means a component of a product or of a system which fulfils a safety function for that product or system or the failure or malfunctioning of which endangers the health **and** safety of persons or property;

Amendment

(14) ‘safety component of a product or system’ means a component of a product or of a system which fulfils a safety **or security** function for that product or system or the failure or malfunctioning of which endangers the health, safety, **fundamental rights** of persons or **which damages** property, **or the environment**;

Amendment 985

Proposal for a regulation

Article 3 – paragraph 1 – point 14

Text proposed by the Commission

(14) ‘safety component of a product or system’ means a component of a product or of a system which fulfils a safety function for that product or system or the failure or malfunctioning of which endangers the health and safety of persons or property;

Amendment

(14) ‘safety component of a product or system’ means a component of a product or of a system which fulfils a **direct or indirect** safety function for that product or system or the failure or malfunctioning of which endangers the health and safety of persons or property;

Or. en

Amendment 986

Marion Walsmann

Proposal for a regulation

Article 3 – paragraph 1 – point 14

Text proposed by the Commission

(14) ‘safety component of a product or system’ means a component of a product or of a system which fulfils a safety function for that product or system **or the failure or malfunctioning of which** endangers the health and safety of persons or property;

Amendment

(14) ‘safety component of a product or system’ means a component of a product or of a system which fulfils a safety function for that product or system **so that its** malfunctioning endangers the health and safety of persons or property;

Or. en

Amendment 987

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 3 – paragraph 1 – point 15

Text proposed by the Commission

(15) ‘instructions for use’ means the information provided by the provider to inform the user of in particular an AI system’s intended purpose and proper use,

Amendment

(15) ‘instructions for use’ means the information provided by the provider to inform the user of in particular an AI system’s intended purpose and proper use,

inclusive of the specific geographical, behavioural or functional setting within which the high-risk AI system is intended to be used;

Or. en

Amendment 988

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Article 3 – paragraph 1 – point 15

Text proposed by the Commission

(15) ‘instructions for use’ means the information provided by the provider to inform the user of in particular an AI system’s intended purpose and proper use, inclusive of the specific geographical, behavioural or functional setting within which the high-risk AI system is intended to be used;

Amendment

(15) ‘instructions for use’ means the information provided by the provider to inform the user of in particular an AI system’s intended purpose ***or reasonably foreseeable use*** and proper use, inclusive of the specific geographical, behavioural or functional setting within which the high-risk AI system is intended ***or foreseeable*** to be used;

Or. en

Amendment 989

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 3 – paragraph 1 – point 15

Text proposed by the Commission

(15) ‘instructions for use’ means the information provided by the provider to inform the ***user*** of in particular an AI system’s intended purpose and proper use, inclusive of the specific geographical, behavioural or functional setting within which the high-risk AI system is intended to be used;

Amendment

(15) ‘instructions for use’ means the information provided by the provider to inform the ***deployer*** of in particular an AI system’s intended purpose and proper use, inclusive of the specific geographical, behavioural or functional setting within which the high-risk AI system is intended to be used;

Amendment 990

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Article 3 – paragraph 1 – point 15

Text proposed by the Commission

(15) ‘instructions for use’ means the information provided by the provider to inform the user of in particular an AI system’s **intended purpose** and proper use, inclusive of the specific geographical, behavioural or functional setting within which the high-risk AI system is intended to be used;

Amendment

(15) ‘instructions for use’ means the information provided by the provider to inform the user of in particular an AI system’s **foreseeable uses** and proper use, inclusive of the specific geographical, behavioural or functional setting within which the high-risk AI system is intended to be used;

Or. en

Amendment 991

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 3 – paragraph 1 – point 16

Text proposed by the Commission

(16) ‘recall of an AI system’ means any measure aimed at achieving the return to the provider of an AI system made available to users;

Amendment

(16) ‘recall of an AI system’ means any measure aimed at achieving the return to the provider **or taking it out of service or disable the use** of an AI system made available to users;

Or. en

Amendment 992

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 3 – paragraph 1 – point 16

Text proposed by the Commission

(16) ‘recall of an AI system’ means any measure aimed at achieving the return to the provider of an AI system made available to *users*;

Amendment

(16) ‘recall of an AI system’ means any measure aimed at achieving the return to the provider of an AI system made available to *deployers*;

Or. en

Amendment 993

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 3 – paragraph 1 – point 17

Text proposed by the Commission

(17) ‘withdrawal of an AI system’ means any measure aimed at preventing *the distribution, display and offer of* an AI system;

Amendment

(17) ‘withdrawal of an AI system’ means any measure aimed at preventing an AI system *in the supply chain being made available on the market*;

Or. en

Amendment 994

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Article 3 – paragraph 1 – point 18

Text proposed by the Commission

(18) ‘performance of an AI system’ means the ability of an AI system to achieve its intended purpose;

Amendment

(18) ‘performance of an AI system’ means the ability of an AI system to achieve its intended purpose *or reasonably foreseeable use* ;

Or. en

Amendment 995

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Article 3 – paragraph 1 – point 18

Text proposed by the Commission

(18) ‘performance of an AI system’ means the ability of an AI system to achieve its *intended purpose*;

Amendment

(18) ‘performance of an AI system’ means the ability of an AI system to achieve its *foreseeable uses*;

Or. en

Amendment 996

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H el ene Laporte, Jean-Paul Garraud

Proposal for a regulation

Article 3 – paragraph 1 – point 18 a (new)

Text proposed by the Commission

Amendment

(18a) ‘lifecycle of AI’ means the process of developing, deploying and using an AI system, including the research, design, data supply, training, limited-scale deployment, implementation and withdrawal stages;

Or. fr

Amendment 997

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alamets a

Proposal for a regulation

Article 3 – paragraph 1 – point 20

Text proposed by the Commission

Amendment

(20) ‘conformity assessment’ means the process of *verifying* whether the requirements set out in Title III, Chapter 2 of this Regulation relating to an AI system have been fulfilled;

(20) ‘conformity assessment’ means the process of *verification by an independent third party* whether the *principles and* requirements set out in Title III, Chapter 2 of this Regulation relating to an AI system have been fulfilled;

Or. en

Amendment 998

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 3 – paragraph 1 – point 20

Text proposed by the Commission

(20) ‘conformity assessment’ means the process of **verifying** whether the requirements set out in Title III, Chapter 2 of this Regulation relating to an AI system have been fulfilled;

Amendment

(20) ‘conformity assessment’ means the process of **demonstrating** whether the requirements set out in Title III, Chapter 2 of this Regulation relating to an AI system have been fulfilled;

Or. en

Amendment 999

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques

Proposal for a regulation

Article 3 – paragraph 1 – point 20

Text proposed by the Commission

(20) ‘conformity assessment’ means the process of **verifying** whether the requirements set out in Title III, Chapter 2 of this Regulation relating to an AI system have been fulfilled;

Amendment

(20) ‘conformity assessment’ means the process of **demonstrating** whether the requirements set out in Title III, Chapter 2 of this Regulation relating to an AI system have been fulfilled;

Or. en

Amendment 1000

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 3 – paragraph 1 – point 22

Text proposed by the Commission

(22) ‘notified body’ means a conformity assessment body **designated** in accordance with this Regulation and other relevant

Amendment

(22) ‘notified body’ means a conformity assessment body **notified** in accordance with **Art 32 of** this Regulation and **with**

Union harmonisation legislation;

other relevant Union harmonisation
legislation;

Or. en

Amendment 1001

Andrea Caroppo, Salvatore De Meo

Proposal for a regulation

Article 3 – paragraph 1 – point 23

Text proposed by the Commission

(23) ‘substantial modification’ means a change to **the** AI system following its placing on the market or putting into service which affects the compliance of the AI system with the requirements set out in Title III, Chapter 2 of this Regulation or results in a modification to the intended purpose for which the AI system has been assessed;

Amendment

(23) ‘substantial modification’ means a change to **a high-risk** AI system following its placing on the market or putting into service which affects the compliance of the AI system with the requirements set out in Title III, Chapter 2 of this Regulation **such as a new training with a completely different dataset with respect to the one used to begin with or the addition of a further AI module into the AI system** or results in a modification to the intended purpose for which the AI system has been assessed; **Supplementary and periodic training of an AI algorithm by the AI user or provider using their own data to ensure that the system remains accurate and/or is working as intended does not amount to a ‘substantial modification’ under this Regulation. The periodic retraining of models due to new data with same structure shall not constitute a substantial modification. For high-risk AI systems that continue to learn after being placed on the market or put into service, changes to the high-risk AI system and its performance that have been predetermined by the provider at the moment of the initial conformity assessment and are part of the information contained in the technical documentation referred to in point 2(f) of Annex IV, shall not constitute a substantial modification;**

Or. en

Amendment 1002

Svenja Hahn, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș,
Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 3 – paragraph 1 – point 23

Text proposed by the Commission

(23) ‘substantial modification’ means a change to the AI system following its placing on the market or putting into service which **affects** the compliance of the AI system with the requirements set out in Title III, Chapter 2 of this Regulation **or** results in a modification to the intended purpose for which the AI system has been assessed;

Amendment

(23) ‘substantial modification’ means a change to the AI system following its placing on the market or putting into service, which **is not foreseen or planned by the provider and as a result of which** the compliance of the AI system with the requirements set out in Title III, Chapter 2 of this Regulation **is affected or which** results in a modification to the intended purpose for which the AI system has been assessed. **A substantial modification is given if the remaining risk is increased by the modification of the AI system under the application of all necessary protective measures;**

Or. en

Amendment 1003

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 3 – paragraph 1 – point 23

Text proposed by the Commission

(23) ‘substantial modification’ means a change to the AI system following its placing on the market or putting into service which affects the compliance of the AI system with the requirements set out in Title III, Chapter 2 of this Regulation or results in a modification to the intended purpose for which the AI system has been assessed;

Amendment

(23) ‘substantial modification’ means a change to the AI system following its placing on the market or putting into service which affects the compliance of the AI system with the requirements set out in Title III, Chapter 2 of this Regulation or results in a modification to the intended purpose for which the AI system has been assessed **or to its performance, including**

modifications of the intended purpose of an AI system which is not classified as high-risk and is already placed on the market or put into service;

Or. en

Amendment 1004

René Repasi, Marc Angel, Andreas Schieder, Maria-Manuel Leitão-Marques

Proposal for a regulation

Article 3 – paragraph 1 – point 23

Text proposed by the Commission

(23) ‘substantial modification’ means a change to the AI system following its placing on the market or putting into service which affects the compliance of the AI system with the requirements set out in Title III, Chapter 2 of this Regulation or results in a modification to the intended purpose for which the AI system has been assessed;

Amendment

(23) ‘substantial modification’ means a change to the AI system following its placing on the market or putting into service which affects the compliance of the AI system with the requirements set out in Title III, Chapter 2 of this Regulation or results in a modification to the intended purpose for which the AI system has been assessed ***including the use of an AI system beyond its reasonably foreseeable purpose;***

Or. en

Amendment 1005

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Article 3 – paragraph 1 – point 23

Text proposed by the Commission

(23) ‘substantial modification’ means a change to the AI system following its placing on the market or putting into service which affects the compliance of the AI system with the requirements set out in Title III, Chapter 2 of this Regulation or results in a modification to the ***intended purpose*** for which the AI system has been assessed;

Amendment

(23) ‘substantial modification’ means a change to the AI system following its placing on the market or putting into service which affects the compliance of the AI system with the requirements set out in Title III, Chapter 2 of this Regulation or results in a modification to the ***foreseeable uses*** for which the AI system has been assessed, ***health and safety requirements***

are to be covered;

Or. en

Amendment 1006

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H  l  ne Laporte, Jean-Paul Garraud

Proposal for a regulation

Article 3 – paragraph 1 – point 23

Text proposed by the Commission

(23) ‘substantial modification’ means a change to the AI system following its placing on the market or putting into service which affects the compliance of the AI system with the requirements set out in Title III, Chapter 2 of this Regulation or results in a modification to the intended purpose for which the AI system has been assessed;

Amendment

(23) ‘substantial modification’ means a change, ***including a change based on ‘learning’***, to the AI system following its placing on the market or putting into service which affects the compliance of the AI system with the requirements set out in Title III, Chapter 2 of this Regulation or results in a modification to the intended purpose for which the AI system has been assessed;

Or. fr

Amendment 1007

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 3 – paragraph 1 – point 23

Text proposed by the Commission

(23) ‘substantial modification’ means a change to the AI system following its placing on the market or putting into service which affects the compliance of the AI system with the requirements set out in Title III, Chapter 2 of this Regulation or results in a modification to the intended purpose for which the AI system has been assessed;

Amendment

(23) ‘substantial modification’ means a change to the AI system following its placing on the market or putting into service, ***not foreseen by the provider***, which affects the compliance of the AI system with the requirements set out in Title III, Chapter 2 of this Regulation or results in a modification to the intended purpose for which the AI system has been assessed;

Or. en

Amendment 1008

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Article 3 – paragraph 1 – point 23

Text proposed by the Commission

(23) ‘substantial modification’ means a change to the AI system following its placing on the market or putting into service which affects the compliance of the AI system with the requirements set out in Title III, Chapter 2 of this Regulation or results in a modification to the intended purpose for which the AI system has been assessed;

Amendment

(23) ‘substantial modification’ means a change to the AI system following its placing on the market or putting into service which affects the compliance of the AI system with the requirements set out in Title III, Chapter 2 of this Regulation or results in a modification to the intended purpose **or reasonably foreseeable use** for which the AI system has been assessed;

Or. en

Amendment 1009

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

Article 3 – paragraph 1 – point 24

Text proposed by the Commission

(24) ‘CE marking of conformity’ (CE marking) means a marking by which a provider indicates that an AI system is in conformity with the requirements set out in Title III, Chapter 2 of this Regulation and other applicable Union legislation harmonising the conditions for the marketing of products (‘Union harmonisation legislation’) providing for its affixing;

Amendment

(24) ‘CE marking of conformity’ (CE marking) means a **physical or digital** marking by which a provider indicates that an **AI system or a product with an embedded** AI system is in conformity with the requirements set out in Title III, Chapter 2 of this Regulation and other applicable Union legislation harmonising the conditions for the marketing of products (‘Union harmonisation legislation’) providing for its affixing;

Or. en

Amendment 1010

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 3 – paragraph 1 – point 24

Text proposed by the Commission

(24) ‘CE marking of conformity’ (CE marking) means a marking by which a provider indicates that an AI system is in conformity with the requirements set out in Title III, Chapter 2 of this Regulation and other applicable Union legislation harmonising the conditions for the marketing of products (‘Union harmonisation legislation’) providing for its affixing;

Amendment

(24) ‘CE marking of conformity’ (CE marking) means a ***physical or electronic*** marking by which a provider indicates that an AI system is in conformity with the requirements set out in Title III, Chapter 2 of this Regulation and other applicable Union legislation harmonising the conditions for the marketing of products (‘Union harmonisation legislation’) providing for its affixing ***as well as the GDPR***;

Or. en

Amendment 1011

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H el ene Laporte, Jean-Paul Garraud

Proposal for a regulation

Article 3 – paragraph 1 – point 25

Text proposed by the Commission

(25) ‘post-market monitoring’ means all activities carried out by providers of AI systems to proactively collect and review experience gained from the use of AI systems they place on the market or put into service for the purpose of identifying any need to immediately apply any necessary corrective or preventive actions;

Amendment

(25) ‘post-market monitoring’ means all activities carried out by providers of AI systems to proactively collect and review experience gained from the use of AI systems they place on the market or put into service for the purpose of identifying any need to immediately apply any necessary corrective or preventive actions, ***whereby such activities may not consist in the AI system automatically sending data or error reports to the provider***;

Or. fr

Amendment 1012

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 3 – paragraph 1 – point 28

Text proposed by the Commission

(28) ‘common specifications’ means a document, other than a standard, **containing technical solutions** providing a means to, comply with certain requirements and obligations established under this Regulation;

Amendment

(28) ‘common specifications’ means a document **comprising a set of technical specifications**, other than a standard, providing a means to comply with certain requirements and obligations established under this Regulation;

Or. en

Amendment 1013

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H el ene Laporte, Jean-Paul Garraud

Proposal for a regulation
Article 3 – paragraph 1 – point 28 a (new)

Text proposed by the Commission

Amendment

(28a) ‘sandbox’, in connection with the development of AI systems, means an isolated operating and experimental environment enabling certain actions to be carried out using an AI system while protecting the user from any harm resulting from computer bias, damage or compromise;

Or. fr

Amendment 1014

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 3 – paragraph 1 – point 29

Text proposed by the Commission

Amendment

(29) ‘training data’ means data used for training an AI system **through fitting** its learnable parameters, **including the**

(29) ‘training data’ means data used for training an AI system **to fit** its learnable parameters;

weights of a neural network;

Or. en

Amendment 1015

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 3 – paragraph 1 – point 29

Text proposed by the Commission

(29) ‘training data’ means data used for training an AI system through fitting its learnable parameters, ***including the weights of a neural network;***

Amendment

(29) ‘training data’ means data used for training an AI system through fitting its learnable parameters;

Or. en

Amendment 1016

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 3 – paragraph 1 – point 30

Text proposed by the Commission

(30) ‘validation data’ means data used for providing an evaluation of the trained AI system ***and for tuning its non-learnable parameters and its learning process, among other things, in order to prevent overfitting; whereas*** the validation dataset ***can*** be a separate dataset ***or part*** of the training dataset, ***either as a fixed or variable split;***

Amendment

(30) ‘validation data’ means data used for providing an evaluation of the trained AI system. ***The process evaluates whether the model is under-fitted or overfitted;*** The validation dataset ***should*** be a separate dataset of the training ***set for the evaluation to be unbiased. If there is only one available dataset, this is divided into two parts, a training set and a validation set. Both sets should still comply with Article 10(3) to ensure appropriate data governance and management practices.***

Or. en

Amendment 1017

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 3 – paragraph 1 – point 30

Text proposed by the Commission

(30) ‘validation data’ means data used for providing an evaluation of the trained AI system and for tuning its non-learnable parameters and its learning process, ***among other things, in order to prevent overfitting***; whereas the validation dataset can be a separate dataset or part of the training dataset, either as a fixed or variable split;

Amendment

(30) ‘validation data’ means data used for providing an evaluation of the trained AI system and for tuning its non-learnable parameters and its learning process, whereas the validation dataset can be a separate dataset or part of the training dataset, either as a fixed or variable split;

Or. en

Amendment 1018

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 3 – paragraph 1 – point 30

Text proposed by the Commission

(30) ‘validation data’ means data used for providing an evaluation of the trained AI system and for tuning its non-learnable parameters and its learning process, among other things, in order to prevent overfitting; whereas the validation dataset can be a separate dataset or part of the training dataset, either as a fixed or variable split;

Amendment

(30) ‘***machine learning*** validation data’ means data used for providing an evaluation of the trained AI system and for tuning its non-learnable parameters and its learning process, among other things, in order to prevent overfitting; whereas the validation dataset can be a separate dataset or part of the training dataset, either as a fixed or variable split;

Or. en

Amendment 1019

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation
Article 3 – paragraph 1 – point 30

Text proposed by the Commission

(30) ‘validation data’ means data used for providing an evaluation of the trained AI system and for tuning its non-learnable parameters and its learning process, among other things, in order to prevent overfitting; whereas the validation dataset *can be* a separate dataset or part of the training dataset, either as a fixed or variable split;

Amendment

(30) ‘validation data’ means data used for providing an evaluation of the trained AI system and for tuning its non-learnable parameters and its learning process, among other things, in order to prevent ***underfitting or*** overfitting; whereas the validation dataset ***is*** a separate dataset or part of the training dataset, either as a fixed or variable split;

Or. en

Amendment 1020

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 3 – paragraph 1 – point 31

Text proposed by the Commission

(31) ‘testing data’ means data used for providing an independent evaluation of the trained and validated AI system ***in order*** to confirm the expected performance of that system before its placing on the market or putting into service;

Amendment

(31) ‘testing data’ means data used for providing an independent evaluation of the trained and validated AI system to confirm the expected performance of that system before its placing on the market or putting into service. ***Similar to Article 3(30), the testing dataset should be a separate dataset from the training set and validation set. This set should also comply with Article 10(3) to ensure appropriate data governance and management practices.***

Or. en

Amendment 1021

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 3 – paragraph 1 – point 31

Text proposed by the Commission

(31) ‘testing data’ means data used for providing an independent evaluation of the trained and validated AI system in order to confirm the expected performance of that system before its placing on the market or putting into service;

Amendment

(31) ‘testing data’ means data used for providing an independent evaluation of the trained and validated AI system in order to confirm the expected performance of that system before its placing on the market or putting into service. ***The testing data must be a separate dataset;***

Or. en

Amendment 1022

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Marina Kaljurand, Paul Tang, Maria Grapini

Proposal for a regulation

Article 3 – paragraph 1 – point 33

Text proposed by the Commission

(33) ‘biometric data’ means personal data ***resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data;***

Amendment

(33) ‘biometric data’ means personal data ***as defined in Article 4, point (14) of Regulation (EU) 2016/679;***

Or. en

Amendment 1023

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 3 – paragraph 1 – point 33

Text proposed by the Commission

(33) ‘biometric data’ means personal data resulting from specific technical processing relating to the physical,

Amendment

(33) ‘biometric data’ means personal data resulting from specific technical processing relating to the physical,

physiological or behavioural characteristics of a natural person, ***which allow or confirm the unique identification of that natural person***, such as facial images or dactyloscopic data;

physiological or behavioural characteristics of a natural person, such as facial images or dactyloscopic data;

Or. en

Amendment 1024

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H el ene Laporte

Proposal for a regulation

Article 3 – paragraph 1 – point 33

Text proposed by the Commission

(33) ‘biometric data’ means personal data resulting from specific technical processing relating to the physical, ***physiological or behavioural*** characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data;

Amendment

(33) ‘biometric data’ means personal data resulting from specific technical processing relating to the physical ***or physiological*** characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data;

Or. fr

Amendment 1025

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 3 – paragraph 1 – point 33 a (new)

Text proposed by the Commission

Amendment

(33 a) ‘biometrics-based data’ means data resulting from specific technical processing relating to physical, physiological or behavioural signals of a natural person which may or may not allow or confirm the unique identification of a natural person;

Or. en

Amendment 1026

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 3 – paragraph 1 – point 33 a (new)

Text proposed by the Commission

Amendment

(33 a) ‘biometrics-based data’ means data resulting from specific technical processing relating to physical, physiological or behavioural signals of a natural person which may or may not allow or confirm the unique identification of a natural person

Or. en

Amendment 1027

Kim Van Sparrentak, Sergey Lagodinsky

on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 3 – paragraph 1 – point 33 a (new)

Text proposed by the Commission

Amendment

(33 a) ‘biometrics-based data’ means data resulting from specific technical processing relating to physical, physiological, or behavioural features, signals, or characteristics of a natural person;

Or. en

Amendment 1028

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona

Strugariu, Dragoş Pîslaru, Lucia Ďuriř Nicholsonová, Irena Joveva, Malik Azmani, Alin

Mituţa, Michal Šimečka

Proposal for a regulation

Article 3 – paragraph 1 – point 33 a (new)

Text proposed by the Commission

Amendment

(33 a) ‘subliminal techniques’ means techniques that use sensorial stimuli such as images, text, or sounds, that are below the limits of conscious human sensorial perception;

Or. en

Amendment 1029

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Paul Tang, Maria Grapini

Proposal for a regulation

Article 3 – paragraph 1 – point 33 a (new)

Text proposed by the Commission

Amendment

(33 a) “special categories of personal data” means the categories of personal data referred to in Article 9(1) of Regulation (EU)2016/679;

Or. en

Amendment 1030

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Marina Kaljurand, Paul Tang, Maria Grapini

Proposal for a regulation

Article 3 – paragraph 1 – point 33 b (new)

Text proposed by the Commission

Amendment

(33 b) ‘biometric identification’ means the use of AI-systems for the purpose of the automated recognition of physical, physiological, behavioural, and psychological human features such as the face, eye movement, facial expressions, body shape, voice, speech, gait, posture, heart rate, blood pressure, odour, keystrokes, psychological reactions (anger, distress, grief, etc.) for the purpose of verification of an individual’s

identity by comparing biometric data of that individual to stored biometric data of individuals in a database (one-to-many identification);

Or. en

Amendment 1031

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 3 – paragraph 1 – point 34

Text proposed by the Commission

(34) ‘emotion recognition system’ means an AI system for the purpose of identifying or inferring emotions or intentions of natural persons on the basis of their biometric data;

Amendment

(34) ‘emotion recognition system’ means an AI system for the purpose of identifying or inferring emotions, ***thoughts, states of mind (such as ‘deception’, ‘trustworthiness’ or ‘truthfulness’)*** or intentions of natural persons on the basis of their biometric data ***or other biometrics-based data;***

Or. en

Amendment 1032

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 3 – paragraph 1 – point 34

Text proposed by the Commission

(34) ‘emotion recognition system’ means an AI system for the purpose of identifying or inferring emotions or intentions of natural persons on the basis of their biometric data;

Amendment

(34) ‘emotion recognition system’ means an AI system for the purpose of identifying or inferring emotions, ***thoughts, states of mind (such as ‘deception’, ‘trustworthiness’ or ‘truthfulness’)*** or intentions of natural persons on the basis of their biometric data ***or biometrics-based data;***

Or. en

Amendment 1033
Sophia in 't Veld, Michal Šimečka

Proposal for a regulation
Article 3 – paragraph 1 – point 34

Text proposed by the Commission

(34) ‘emotion recognition system’ means an AI system **for the purpose** of identifying or inferring emotions or intentions of natural persons on the basis of their biometric data;

Amendment

(34) ‘emotion recognition system’ means an AI system **capable** of identifying, **categorizing** or inferring emotions, **thoughts, states of mind (such as 'deception', 'trustworthiness', or 'trustfulness')** or intentions of natural persons on the basis of their biometric data;

Or. en

Amendment 1034
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation
Article 3 – paragraph 1 – point 34

Text proposed by the Commission

(34) ‘emotion recognition system’ means an AI system for the purpose of identifying or inferring emotions or intentions of natural persons on the basis of their biometric **data**;

Amendment

(34) ‘emotion recognition system’ means an AI system for the purpose of identifying or inferring emotions or intentions of natural persons on the basis of their biometric **or behavioural data or by means of biological or brain implants**;

Or. fr

Amendment 1035
Axel Voss, Deirdre Clune

Proposal for a regulation
Article 3 – paragraph 1 – point 34

Text proposed by the Commission

(34) ‘emotion recognition system’ means an AI system for the purpose of

Amendment

(34) ‘emotion recognition system’ means an AI system for the purpose of

identifying or inferring emotions or intentions of natural persons on the basis of their biometric *data*;

identifying or inferring emotions or intentions of natural persons on the basis of their biometric *or other data obtained, read or interpreted from an individual*;

Or. en

Amendment 1036

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Paul Tang, Petar Vitanov, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation

Article 3 – paragraph 1 – point 34

Text proposed by the Commission

(34) ‘emotion recognition system’ means an AI system for the purpose of identifying or inferring emotions or intentions of *natural persons* on the basis of their biometric data;

Amendment

(34) ‘emotion recognition system’ means an AI system for the purpose of identifying or inferring emotions *thoughts, states of mind* or intentions of *individuals or groups* on the basis of their biometric *and biometric-based* data;

Or. en

Amendment 1037

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Karen Melchior, Morten Løkkegaard, Sandro Gozi, Róza Thun und Hohenstein, Vlad-Marius Botoş, Abir Al-Sahlani, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 3 – paragraph 1 – point 34

Text proposed by the Commission

(34) ‘emotion recognition system’ means an AI system for the purpose of identifying or inferring emotions or intentions of natural persons on the basis of their biometric data;

Amendment

(34) ‘emotion recognition system’ means an AI system for the purpose of identifying or inferring emotions, *thoughts* or intentions of natural persons on the basis of their biometric *or biometrics-based* data;

Or. en

Amendment 1038

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 3 – paragraph 1 – point 34

Text proposed by the Commission

(34) ‘emotion recognition system’ means an AI system for the purpose of identifying or inferring emotions or intentions of natural persons *on the basis of their biometric data*;

Amendment

(34) ‘emotion recognition system’ means an AI system for the purpose of identifying or inferring emotions, *thoughts, states of mind* or intentions of natural persons;

Or. en

Amendment 1039

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Paul Tang, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

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 *gender*, sex, age, hair colour, eye colour, tattoos, ethnic *or social* origin, *health, mental or physical ability, behavioural or personality traits, language, religion, or membership of a national minority*, or sexual or political orientation, on the basis of their biometric *or biometric-based data, or which can be reasonably inferred from such data*.

Or. en

Amendment 1040

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Paul Tang

**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 **gender**, sex, age, hair colour, eye colour, tattoos, ethnic **or social** origin, **health, mental or physical ability, behavioural or personality traits, language, religion, or membership of a national minority**, or sexual or political orientation, on the basis of their biometric **or biometric-based data, or which can be reasonably inferred from such** data;

Or. en

Amendment 1041

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

**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, **health, mental ability, personality traits**, tattoos, ethnic origin or sexual or political orientation, on the basis of their biometric data **or biometrics-based data**;

Or. en

Amendment 1042

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H  l  ne Laporte

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, **health**, ethnic origin or sexual or political orientation, on the basis of their biometric data;

Or. fr

Amendment 1043

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

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 **that uses biometric or biometrics-based data** for the purpose of assigning natural persons to specific categories, **or inferring their characteristics and attributes ;**

Or. en

Amendment 1044

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Karen Melchior, Morten L  kkegaard, R  za Thun und Hohenstein, Vlad-Marius Botoș, Abir Al-Sahlani, Moritz K  rner, Ondřej Kovařik, Jan-Christoph Oetjen

Proposal for a regulation

Article 3 – paragraph 1 – point 35

Text proposed by the Commission

(35) ‘biometric categorisation system’

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*, on the basis of their biometric data;

means an AI system for the purpose of assigning natural persons to specific categories *or inferring their characteristics and attributes* on the basis of their biometric *or biometrics-based* data;

Or. en

Amendment 1045

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

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 *or inferring their characteristics and attributes* on the basis of their biometric data *or biometrics-based data*;

Or. en

Amendment 1046

Sophia in 't Veld, Michal Šimečka, Róza Thun und Hohenstein

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 *that uses biometric data, or other physical, physiological or behavioral data, capable* of assigning natural persons to specific categories *or inferring* their *characteristics and attributes*;

Or. en

Amendment 1047

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Sophia in 't Veld, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituța

Proposal for a regulation

Article 3 – paragraph 1 – point 35 a (new)

Text proposed by the Commission

Amendment

(35 a) ‘remote biometric categorisation system’ means a biometric categorisation system capable of categorising natural persons at a distance;

Or. en

Amendment 1048

Andrea Caroppo, Salvatore De Meo

Proposal for a regulation

Article 3 – paragraph 1 – point 36

Text proposed by the Commission

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, and without prior knowledge of the user of the AI system whether the person will be present and can be identified ;

(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; ***this does not include biometric identification systems used for remote customer onboarding as proscribed under Article 13(1) of Directive (EU) 2018/843 of the European Parliament and of the Council, nor the use for authentication as defined under Articles 4(29) & 4(30) of Directive (EU) 2015/2366 of the European Parliament and of the Council;***

Or. en

Amendment 1049

Krzysztof Hetman, Adam Jarubas, Andrzej Halicki, Jerzy Buzek, Janusz Lewandowski, Radosław Sikorski

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) ‘biometric identification system’ means an AI system, ***including remote biometric identification***, for the purpose of identifying natural persons ***including*** at a distance through the comparison of a person’s biometric data with the biometric data contained in a reference ***data repository, excluding verification/authentication systems whose sole purpose is to confirm that a specific natural person is the person he or she claims to be, and systems that are used to confirm the identity of a natural person for the sole purpose of having access to a service, a device or premises***; , and without prior knowledge of the user of the AI system whether the person will be present and can be identified;

Or. en

Amendment 1050

Kosma Złotowski, Patryk Jaki, Eugen Jurzyca

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 physical*** distance through the comparison of a person’s biometric data with the biometric data contained in a reference ***data repository, excluding verification/authentication systems whose sole purpose is to confirm that a specific natural person is the person he or she***

claims to be, and systems that are used to confirm the identity of a natural person for the sole purpose of having access to a service, a device or premises; and without prior knowledge of the user of the AI system whether the person will be present and can be identified;

Or. en

Amendment 1051

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Svenja Hahn, Morten Løkkegaard, Alin Mituţa, Michal Šimečka

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, and without prior knowledge of the user of the AI system whether the person will be present and can be identified, , *excluding authentication and verification systems whose sole purpose is to confirm, based on prior consent, that a specific natural person is the person he or she claims to be or to confirm the identity of a natural person for the sole purpose of having access to a service, a device or premises;*

Or. en

Amendment 1052

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Karen Melchior, Morten Løkkegaard, Vlad-Marius Botoş, Abir Al-Sahlani, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

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, and without prior knowledge of the user of the AI system whether the person will be present and can be identified, ***excluding verification/authentication systems whose sole purpose is to confirm that a specific natural person is the person he or she claims to be, and systems that are used to confirm the identity of a natural person for the sole purpose of having access to a service, a device or premises;***

Or. en

Amendment 1053
Jorge Buxadé Villalba

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. es

Amendment 1054
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

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 **capable** 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. en

Amendment 1055

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

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 **capable** 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. en

Amendment 1056

Rob Rooken
on behalf of the ECR Group

Proposal for a regulation

Article 3 – paragraph 1 – point 36

Text proposed by the Commission

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, ***and without prior knowledge of the user of the AI system whether the person will be present and can be identified*** ;

(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. en

Amendment 1057

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Paul Tang, Maria Grapini

Proposal for a regulation

Article 3 – paragraph 1 – point 36

Text proposed by the Commission

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, ***and without prior knowledge of the user of the AI system whether the person will be present and can be identified*** ;

(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. en

Amendment 1058

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 3 – paragraph 1 – point 36

Text proposed by the Commission

Amendment

(36) ‘remote biometric identification system’ means an AI system ***for the purpose*** of identifying natural persons at a

(36) ‘remote biometric identification system’ means an AI system ***capable*** of identifying natural persons at a distance

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** ;

through the comparison of a person's biometric data with the biometric data contained in a reference database **or data repository**;

Or. en

Amendment 1059

Axel Voss, Deirdre Clune

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 **physical** distance through a **"one to many"** comparison **where the persons identified do not claim to have a particular identity but where the identity is otherwise established - without the conscious cooperation of these persons - by matching live templates with templates stored in a template database**;

Or. en

Amendment 1060

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

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**

Amendment

(36) 'remote biometric identification system' means an AI system for the purpose, **after a unique process**, of identifying natural persons at a distance through the comparison of a person's biometric data with the biometric data

without prior knowledge of the user of the AI system whether the person will be present and can be identified ;

contained in a reference database;

Or. fr

Amendment 1061

Sophia in 't Veld, Michal Šimečka, Róza Thun und Hohenstein

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 **capable of categorizing** natural persons at a distance through the comparison of a person’s biometric data **or other physical, physiological or behavioral data, with this data contained in a reference database;**

Or. en

Amendment 1062

Axel Voss, Deirdre Clune

Proposal for a regulation

Article 3 – paragraph 1 – point 36 a (new)

Text proposed by the Commission

Amendment

(36 a) ‘at a distance’ means the process of identification, verification or authentication in physical distance with indirect interaction with the data subject or without;

Or. en

Amendment 1063

Patrick Breyer

Proposal for a regulation
Article 3 – paragraph 1 – point 37

Text proposed by the Commission

Amendment

(37) “real-time’ remote biometric identification system’ means a remote biometric identification system whereby the capturing of biometric data, the comparison and the identification all occur without a significant delay. This comprises not only instant identification, but also limited short delays in order to avoid circumvention.

deleted

Or. en

Amendment 1064

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 3 – paragraph 1 – point 37

Text proposed by the Commission

Amendment

(37) “real-time’ remote biometric identification system’ means a remote biometric identification system whereby the capturing of biometric data, the comparison and the identification *all* occur without a significant delay. This comprises not only instant identification, but also limited short delays in order to avoid circumvention.

(37) biometric identification system’ means a remote biometric identification system whereby the capturing of biometric data, the comparison and the identification occur *on a continuous or large-scale basis over a period of time and* without *limitation to a particular past incident.*

Or. en

Amendment 1065

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 3 – paragraph 1 – point 38

Text proposed by the Commission

Amendment

(38) “‘post’ remote biometric identification system’ means a remote biometric identification system other than a ‘real-time’ remote biometric identification system;

deleted

Or. en

Amendment 1066

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H el ene Laporte, Jean-Paul Garraud

Proposal for a regulation

Article 3 – paragraph 1 – point 38

Text proposed by the Commission

Amendment

(38) “‘post’ remote biometric identification system’ means a remote biometric identification system other than a ‘real-time’ remote biometric identification system;

(38) “‘post’ remote biometric identification system’ means a remote biometric identification system other than a ‘real-time’ remote biometric identification system, *regardless of whether the acquired data is hosted in a separate system prior to the comparison and identification;*

Or. fr

Amendment 1067

Rob Rooken

on behalf of the ECR Group

Proposal for a regulation

Article 3 – paragraph 1 – point 38 a (new)

Text proposed by the Commission

Amendment

(38 a) ‘deepfakes’ means manipulated or synthetic audio or video which appears to be authentic, and which feature people, without their consent/awareness, or events that are false and/or misleading, produced

using artificial intelligence techniques, including machine learning and deep learning;

Or. en

Amendment 1068

Axel Voss, Deirdre Clune

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 **publicly or privately owned** physical place accessible to **an undetermined number of natural persons**, regardless of whether certain conditions **or circumstances** for access **have been predetermined, and regardless of the potential capacity restrictions**;

Or. en

Amendment 1069

Kim Van Sparrentak, Sergey Lagodinsky

on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä

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 place accessible to the public, **or fulfilling a public function**, regardless of whether certain conditions for access may apply;

Or. en

Amendment 1070

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H el ene Laporte, Jean-Paul Garraud

Proposal for a regulation

Article 3 – paragraph 1 – point 40 – introductory part

Text proposed by the Commission

Amendment

(40) ‘law enforcement authority’ means:

(40) ‘law enforcement authority’ means *any public authority competent for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;*

Or. fr

Amendment 1071

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H el ene Laporte, Jean-Paul Garraud

Proposal for a regulation

Article 3 – paragraph 1 – point 40 – point a

Text proposed by the Commission

Amendment

(a) *any public authority competent for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security; or*

deleted

Or. fr

Justification

Since subparagraph (b) is deleted, the existence of a subparagraph (a) is no longer justified, as its text is directly incorporated into the body of point 40.

Amendment 1072

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 3 – paragraph 1 – point 40 – point a (new)

Text proposed by the Commission

Amendment

(a a) any other authority competent for law enforcement, including courts and the judiciary;

Or. en

Amendment 1073

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H el ene Laporte

Proposal for a regulation

Article 3 – paragraph 1 – point 40 – point b

Text proposed by the Commission

Amendment

(b) any other body or entity entrusted by Member State law to exercise public authority and public powers for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security; **deleted**

Or. fr

Amendment 1074

Pernando Barrena Arza, Kateřina Konečn a, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 3 – paragraph 1 – point 41

Text proposed by the Commission

Amendment

(41) ‘law enforcement’ means activities carried out by law enforcement authorities for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;

(41) ‘law enforcement’ means

i) activities carried out by law enforcement authorities for the prevention, investigation, detection or prosecution of

criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security; *and*

ii) activities carried out by any other authority that is part of the criminal justice system, including the judiciary;

Or. en

Amendment 1075
Axel Voss, Deirdre Clune

Proposal for a regulation
Article 3 – paragraph 1 – point 41

Text proposed by the Commission

(41) ‘law enforcement’ means activities carried out by law enforcement authorities for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;

Amendment

(41) ‘law enforcement’ means activities carried out by law enforcement authorities *or on their behalf* for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;

Or. en

Amendment 1076
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation
Article 3 – paragraph 1 – point 41

Text proposed by the Commission

(41) ‘law enforcement’ means activities carried out by law enforcement authorities for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;

Amendment

(41) ‘law enforcement’ means activities carried out by law enforcement authorities *solely* for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to

public security;

Or. en

Amendment 1077

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 3 – paragraph 1 – point 42

Text proposed by the Commission

(42) ‘national supervisory authority’ means **the** authority to which a Member State assigns the responsibility for the implementation and application of this Regulation, for coordinating the activities entrusted to that Member State, for acting as the single contact point for the Commission, and for representing the Member State at the European Artificial Intelligence Board;

Amendment

(42) ‘national supervisory authority’ means **an independent public** authority to which a Member State assigns the responsibility for the implementation and application of this Regulation, for coordinating the activities entrusted to that Member State, for acting as the single contact point for the Commission, and for representing the Member State at the European Artificial Intelligence Board;

Or. en

Amendment 1078

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituţa

Proposal for a regulation

Article 3 – paragraph 1 – point 42

Text proposed by the Commission

(42) ‘national supervisory authority’ means the authority to which a Member State assigns the responsibility for the implementation and application of this Regulation, for coordinating the activities entrusted to that Member State, for acting as the single contact point for the Commission, and for representing the Member State **at the European Artificial Intelligence** Board;

Amendment

(42) ‘national supervisory authority’ means the authority to which a Member State assigns the responsibility for the implementation and application of this Regulation, for coordinating the activities entrusted to that Member State, for acting as the single contact point for the Commission, and for representing the Member State **in the management board of the AI Office**;

Amendment 1079

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 3 – paragraph 1 – point 43

Text proposed by the Commission

Amendment

(43) ‘**national competent authority**’ means the national supervisory authority, the notifying authority and the market surveillance authority;

deleted

Or. en

Amendment 1080

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

Article 3 – paragraph 1 – point 43

Text proposed by the Commission

Amendment

(43) ‘national competent authority’ means **the national supervisory authority**, the notifying authority and the market surveillance authority;

(43) ‘national competent authority’ means the notifying authority and the market surveillance authority;

Or. en

Amendment 1081

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 3 – paragraph 1 – point 43

Text proposed by the Commission

Amendment

(43) ‘**national** competent authority’ means the national supervisory authority,

(43) ‘competent authority’ means **the EDPS**, the national supervisory authority,

the notifying authority and the market surveillance authority;

the notifying authority and the market surveillance authority;

Or. en

Amendment 1082

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H el ene Laporte, Jean-Paul Garraud

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** that directly or indirectly leads, might have led or might lead to any of the following:

Or. fr

Amendment 1083

Axel Voss, Deirdre Clune, Eva Maydell

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 that directly or indirectly leads to any of the following:

Or. en

Amendment 1084

Marion Walsmann

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 that directly or indirectly leads to any of the following:

Or. en

Amendment 1085

Rob Rooker

on behalf of the ECR Group

Proposal for a regulation

Article 3 – paragraph 1 – point 44 – point a

Text proposed by the Commission

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

Amendment

(a) the death of a person or serious damage to a person’s ***physical*** health, ***mental health or wellbeing***, to property or the environment,

Or. en

Amendment 1086

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 3 – paragraph 1 – point 44 – point a

Text proposed by the Commission

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

Amendment

(a) the death of a person or serious damage to a person’s ***physical*** health, ***mental health or wellbeing***, to property or the environment

Or. en

Amendment 1087

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H el ene Laporte, Jean-Paul Garraud

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 damage to a person's health **or wealth**, to property or the environment,

Or. fr

Amendment 1088

Axel Voss, Deirdre Clune, Eva Maydell

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 health,

Or. en

Amendment 1089

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Petar Vitanov, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

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 damage to a person's health, to property or the environment,

Or. en

Amendment 1090

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(a a) a breach of fundamental rights defined by The Charter of Fundamental Rights of the European Union;

Or. en

Amendment 1091

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(a b) systematic, mass or serious breach of other rights;

Or. en

Amendment 1092

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(a c) damage to democracy, the rule of law or the environment

Or. en

Amendment 1093

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H el ene Laporte, Jean-Paul Garraud

Proposal for a regulation

Article 3 – paragraph 1 – point 44 – point b

Text proposed by the Commission

Amendment

(b) a serious *and irreversible*

(b) a serious disruption of the

disruption of the management and operation of critical infrastructure.

management and operation of critical infrastructure,

Or. fr

Amendment 1094

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H el ene Laporte, Jean-Paul Garraud

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ba) a breach of obligations under national law or Union law intended to protect fundamental rights.

Or. fr

Amendment 1095

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Ren e Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado L opez, Maria-Manuel Leit ao-Marques, Marc Angel

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(b a) a breach of obligations under Union law intended to protect fundamental rights;

Or. en

Amendment 1096

Kateřina Kone n a, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(b a) breach of obligations under Union law intended to protect personal data

Or. en

Amendment 1097

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(b a) a serious violation of an individual's fundamental rights;

Or. en

Amendment 1098

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Petar Vitanov, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 a) ‘AI systems presenting a risk’ means an AI system having the potential to affect adversely fundamental rights, health and safety of persons in general, including in the workplace, protection of consumers, the environment, public security, the values enshrined in Article 2 TEU and other public interests, that are protected by the applicable Union harmonisation legislation, to a degree which goes beyond that considered reasonable and acceptable in relation to its intended purpose or under the normal or reasonably foreseeable conditions of use of the system concerned, including the duration of use and, where applicable, its

putting into service, installation and maintenance requirements.

Or. en

Amendment 1099

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 a) ‘regulatory sandbox’ means a framework which, by providing a structured context for experimentation, enable where appropriate in a real-world or digital environment the testing of innovative technologies, products, services or approaches for a limited time and in a limited part of a sector or area under regulatory supervision ensuring that appropriate safeguards are in place;

Or. en

Amendment 1100

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 a) ‘Recommender system’ means a fully or partially automated system used by an online platform to suggest or prioritise in its online interface specific information to recipients of the service, including as a result of a search initiated by the recipient of the service or otherwise determining the relative order or prominence of information displayed.

Amendment 1101

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 a) 'critical infrastructure' means an asset, system or part thereof which is necessary for the delivery of a service that is essential for the maintenance of vital societal functions or economic activities within the meaning of Article 2(4) and (5) of Directive (...) on the resilience of critical entities;

Or. en

Amendment 1102

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H el ene Laporte

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44a) 'bias' means any inclination of prejudice towards or against a person, object or position, whether voluntary or involuntary, that may arise as a result of the design, data supply, interactions, personalisation or configuration of an IA system;

Or. fr

Justification

Definition based on the 2019 Ethics Guidelines for Trustworthy AI by the High Level Expert Group on Artificial Intelligence set up by the European Commission.

Amendment 1103

Svenja Hahn, Dragoș Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 a) ‘regulatory sandbox’ means a facility that provides a controlled environment that facilitates the safe development, testing and validation of innovative AI systems for a limited time before their placement on the market or putting into service pursuant to a specific plan;

Or. en

Amendment 1104

Andrea Caroppo, Salvatore De Meo

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 a) ‘unfair bias’ means an inclination of prejudice towards or against a natural person that can result in discriminatory and/or unfair treatment of some natural persons with respect to others;

Or. en

Amendment 1105

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 a) ‘scientific research and development’ means any scientific development, experimentation, analysis,

testing or validation carried out under controlled conditions.

Or. en

Amendment 1106

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 a) scientific research and development means: any scientific development, experimentation, analysis, testing or validation carried out under controlled conditions.

Or. en

Amendment 1107

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 a) 'near miss' means any incident that, if the circumstances were slightly different, would have resulted in a 'serious incident';

Or. en

Amendment 1108

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

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

(44 b) ‘social scoring’ means the evaluation or categorisation of EU citizens based on their behavior or (personality) characteristics, where one or more of the following conditions apply:

(i) the information is not reasonably relevant for the evaluation or categorisation;

(ii) the information is generated or collected in another domain than that of the evaluation or categorisation;

(iii) the information is not necessary for or proportionate to the evaluation or categorisation;

(iv) the information contains or reveals special categories of personal data.

Or. en

Amendment 1109

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

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

(44 b) ‘social scoring’ means the evaluation or categorisation of persons based on their behaviour or (personality) characteristics, where one or more of the following conditions apply:

(i) the information is not reasonably relevant for the evaluation or categorisation;

(ii) the information is generated or collected in another domain than that of the evaluation or categorisation;

(iii) the information is not necessary for or proportionate to the evaluation or categorisation;

(iv) the information contains or reveals

special categories of personal data.

Or. en

Amendment 1110

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 b) ‘deep fake’ means manipulated or synthetic audio, image or video content that would falsely appear to be authentic or truthful, and which features depictions of persons appearing to say or do things they did not say or do, without their consent, produced using AI techniques, including machine learning and deep learning;

Or. en

Amendment 1111

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 b) ‘deep fake’ means 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.

Or. en

Amendment 1112

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Marina Kaljurand, Maria Grapini

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

Text proposed by the Commission

Amendment

(44 b) ‘artificial intelligence system with indeterminate uses’ means an artificial intelligence system without specific and limited provider-defined purposes;

Or. en

Amendment 1113

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H el ene Laporte, Jean-Paul Garraud

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

Text proposed by the Commission

Amendment

(44b) ‘auditability’ means the ability of an AI system to undergo an assessment of the system’s algorithms, data and design processes;

Or. fr

Justification

Definition based on the 2019 Ethics Guidelines for Trustworthy AI by the High Level Expert Group on Artificial Intelligence set up by the European Commission.

Amendment 1114

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Ren e Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado L opez, Maria-Manuel Leit ao-Marques, Marc Angel

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

Text proposed by the Commission

Amendment

(44 b) ‘child’ means any person below the age of 18 years.

Or. en

Amendment 1115

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H el ene Laporte, Jean-Paul Garraud

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44c) ‘reproducibility’ means the ability of an AI system to exhibit the same behaviour when an experiment is repeated under the same conditions;

Or. fr

Justification

Definition based on the 2019 Ethics Guidelines for Trustworthy AI by the High Level Expert Group on Artificial Intelligence set up by the European Commission.

Amendment 1116

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 c) ‘affectee(s)’ mean(s) any natural or legal person or group of natural or legal persons affected by the use or outcomes of, or a combination of, AI system(s);

Or. en

Amendment 1117

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando L opez

Aguilar, Marina Kaljurand, Maria Grapini, Brando Benifei

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 c) ‘profiling’ means any form of automated processing of personal data as defined point (4) of Article 4 of Regulation (EU) 2016/679;

Or. en

Amendment 1118

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 c) ‘incident’ means a faulty operation of an AI system;

Or. en

Amendment 1119

Kateřina Konečná, Fernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 c) “child” is any person under the age of 18.

Or. en

Amendment 1120

Kateřina Konečná, Fernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 d) ‘artificial intelligence system within determinate uses’ means an artificial intelligence system without specific and limited provider-defined purposes;

Or. en

Amendment 1121

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 d) ‘personal data’ means data as defined in point (1) of Article 4 of Regulation (EU) 2016/679;

Or. en

Amendment 1122

Kateřina Konečn, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 e) ‘deep fake’ means generated or manipulated image, audio or video content produced by an AI system that appreciably resembles existing persons, objects, places or other entities or events and falsely appears to a person to be authentic or truthful;

Or. en

Amendment 1123

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 e) ‘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 1124

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 f) ‘critical infrastructure’ means an asset, system or part thereof which is necessary for the delivery of a service that is essential for the maintenance of vital societal functions or economic activities within the meaning of Article 2 (4) and (5) of Directive of the European Parliament and of the Council on the resilience of critical entities (2020/0365 (COD));

Or. en

Amendment 1125

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 f) ‘redress by design’ means technical mechanisms and/or operational

procedures, established from the design phase, in order to be able to effectively detect, audit, rectify the consequences and implications of wrong predictions by an AI system and improve it.

Or. en

Amendment 1126

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 g) ‘harmful subliminal technique’ means a measure whose existence and operation is entirely imperceptible by a natural person on whom it is used, and which has the purpose and direct effect to induce actions leading to that persons physical or psychological harm;

Or. en

Amendment 1127

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(44 h) ‘unfair bias’ means an inclination of prejudice towards or against a natural person that can result in discriminatory and/or unfair treatment of some natural persons with respect to others.

Or. en

Amendment 1128

Sophia in 't Veld, Michal Šimečka

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

Text proposed by the Commission

Amendment

'Social scoring' means the evaluation or categorization of an individual natural person, or a group, based on their behaviour or (personality) characteristics, where one or more of the following conditions apply: (1) the information is not reasonably relevant, necessary for, or proportionate to the evaluation or categorization; (2) the information is generated or collected in another domain than that of the evaluation or categorization; (3) the information contains or reveals special categories.

Or. en

Amendment 1129

Svenja Hahn, Nicola Beer, Vlad-Marius Botoș, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation
Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3 a

General Purpose AI

1. General purpose AI applications shall not be considered as having an intended purpose within the meaning of this Regulation unless those systems have been adapted to a specific intended purpose that falls within the scope of this Regulation.

2. Any natural or legal person that adapts a general purpose AI application to a specific intended purpose and places it on the market or puts it into service shall be considered the provider and be subject to the obligations laid down in this

Regulation.

3. The initial provider of a general purpose AI application shall comply with Article 15 of this Regulation at all times. After placing it on the market or putting it to service, and without compromising its own intellectual property rights or trade secrets, provide the new provider referred to in paragraph 2 with all essential, relevant and reasonably expected information that is necessary to comply with the obligations set out in this Regulation.

4. The initial provider of a general purpose AI application shall only be responsible for the accuracy of the provided information and compliance with Article 15 of this Regulation towards the natural or legal person that adapts the general purpose AI application to a specific intended purpose.

Or. en

Amendment 1130

Sergey Lagodinsky

on behalf of the Verts/ALE Group

Kim Van Sparrentak, Alexandra Geese, Alviina Alametsä

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 1131

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

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 1132

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

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

Justification

It is appropriate to delete Annex I, in order to ensure future-proofness and enable legal certainty. Therefore, Article 4 is not needed anymore.

Amendment 1133

Pernando Barrera Arza, Cornelia Ernst

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

Justification

Our modified definition of AI in Art 3 makes this Article and Annex I obsolete.

Amendment 1134

Jörgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

Amendment

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.

deleted

Justification

To create legal certainty for AI developers, it is important that the definition of AI systems is clearly laid down and cannot be changed quickly and dramatically by means of delegated acts. All changes in this regard should be subject to Parliament's approval.

Amendment 1135

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation**Article 4 – paragraph 1***Text proposed by the Commission*

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.***

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 73, ***after ensuring adequate consultation with relevant stakeholders,*** to amend the list of techniques and approaches listed in Annex I ***within the scope of the definition of an AI system as provided for in Article 3(1),*** in order to update that list to market and technological developments on the basis of ***transparent criteria.***

Every time the list of techniques and approaches listed in Annex I is amended, providers and users of AI systems, which become in scope of the Regulation shall have 24 months to apply the relevant requirements and obligations. Article 83 shall apply for AI systems already placed on the market before delegated acts are published.

Amendment 1136

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Vlad-Marius Botoş, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

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

Text proposed by the Commission

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.***

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 73, ***after an adequate and transparent consultation process involving the relevant stakeholders,*** to amend the list of techniques and approaches listed in Annex I ***within the scope of the definition of an AI system as provided for in Article 3(1),*** in order to update that list to market and technological developments on the basis of ***transparent*** characteristics. ***Providers and users of AI systems should be given 24 months to comply with any amendment to Annex I.***

Or. en

Amendment 1137

Krzysztof Hetman, Adam Jarubas, Andrzej Halicki, Jerzy Buzek, Janusz Lewandowski, Radosław Sikorski

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

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.

Amendment

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, ***within the scope of the definition of an AI system as provided for in Article 3(1),*** in order to update that list to market and technological developments on the basis of characteristics ***and hazards*** that are similar to the techniques and approaches listed therein.

Or. en

Amendment 1138

Barbara Thaler, Lukas Mandl, Axel Voss, Deirdre Clune

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

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.

Amendment

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.
As an adequate transitional period, two years shall be applied to each amendment.

Or. en

Amendment 1139

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H el ene Laporte, Jean-Paul Garraud

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

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.

Amendment

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 ***by means of additions or non-restrictive precisions*** on the basis of characteristics that are similar to the techniques and approaches listed therein.

Or. fr

Amendment 1140

Marion Walsmann

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

Amendment

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.

The Commission is empowered to adopt delegated acts in accordance with Article 73 **after consulting relevant stakeholders** 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 1141
Bettina Vollath

Proposal for a regulation
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Article 4 a

Principles applicable to all AI systems

All operators of AI systems shall respect the following principles:

1. Operators of AI systems shall respect fundamental rights and the Union values, as enshrined in Article 2 TEU, throughout the AI system lifecycle. To ensure this, operators shall implement mechanisms and safeguards that are appropriate to the context and consistent with the state of art ('fairness')

2. Operators shall be accountable for the proper functioning of AI systems and for the respect of the fairness principle, based on their roles, the context, and consistent with the state of art. Operators shall ensure the proper functioning, throughout their lifecycle, of the AI systems that they design, develop, operate or deploy, in accordance with their role and applicable regulatory framework, and by demonstrating this through their actions and decision-making processes ('accountability')

3. Operators shall commit to transparency and responsible disclosure regarding AI systems. To this end, they shall provide meaningful information, appropriate to the context, and consistent with the state of art:

(a) to foster a general understanding of AI systems,

(b) to make affected persons aware that they are interacting with an AI system and an explanation thereof,

(c) to enable those affected by an AI system to understand the outcome, and

(d) to enable those adversely affected by an AI system to challenge its outcome based on plain and easy-to-understand information on the factors, and the logic that served as the basis for the prediction, recommendation or decision ('transparency and explainability')

4. Operators shall ensure that AI systems are robust, secure and safe throughout their entire lifecycle so that, in conditions of normal use, foreseeable use or misuse, or other adverse conditions, they function appropriately and do not pose unreasonable risk. Operators shall ensure, based on their roles and the context, traceability including in relation to datasets, processes and decisions made during the AI system lifecycle, to enable the analysis of the outcomes of the AI system and responses to inquiry, appropriate to the context and consistent with the state of art.

Operators shall, based on their roles, the context, and their ability to act, apply a systematic risk management approach to each phase of the AI system lifecycle on a continuous basis to address the risks related to AI systems, including privacy, protection of personal data, digital security, safety and bias ('privacy and security')

5. Operators shall proactively engage in pursuit of beneficial outcomes for people, societies and the planet, such as

advancing inclusion, reducing economic, social, gender and other inequalities, and protecting natural environments, therefore invigorating inclusive growth, sustainable development and well-being ('social benefit')

6. Operators should be motivated to follow a human-centric approach. AI available in the Union market or otherwise affecting people in the Union should be designed human centered, so that people can trust that the technology is used in a way that is safe and compliant with the law, including the respect of fundamental rights what requires a shift towards a Human Centered AI Engineering, also in research and education.

Or. en

Amendment 1142

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H el ene Laporte, Jean-Paul Garraud

Proposal for a regulation

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The techniques and approaches listed in Annex I may only be amended by an amending regulation if the amendment concerns a withdrawal, a restrictive precision or a change in the definition of those techniques and approaches.

Or. fr

Amendment 1143

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Ren e Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado L opez, Maria-Manuel Leit ao-Marques, Marc Angel

Proposal for a regulation

Article 4 a (new)

Article 4 a

Principles applicable to all AI systems

All operators of AI systems shall respect the following principles:

1. Operators of AI systems shall respect fundamental rights and the Union values, as enshrined in Article 2 TEU, throughout the AI system lifecycle. To ensure this, operators shall implement mechanisms and safeguards that are appropriate to the context and consistent with the state of art ('fairness')

2. Operators shall be accountable for the proper functioning of AI systems and for the respect of the fairness principle, based on their roles, the context, and consistent with the state of art. Operators shall ensure the proper functioning, throughout their lifecycle, of the AI systems that they design, develop, operate or use, in accordance with their role and applicable regulatory framework, and by demonstrating this through their actions and decision-making processes ('accountability')

3. Operators shall commit to transparency and responsible disclosure regarding AI systems. To this end, they shall provide meaningful information, appropriate to the context, and consistent with the state of the art:

(a) to foster a general understanding of AI systems,

(b) to make affected persons aware that they are interacting with an AI system and an explanation thereof,

(c) to make affected persons aware about their rights conferred in this Regulation,

(d) to enable those affected by an AI system to understand the outcome, and

(e) to enable those adversely affected by an AI system to challenge its outcome based on plain and easy-to-understand

information on the factors, and the logic that served as the basis for the prediction, recommendation or decision ('transparency and explainability').

4. Operators shall ensure that AI systems are robust, secure and safe throughout their entire lifecycle so that, in conditions of normal use, foreseeable use or misuse, or other adverse conditions, they function appropriately and do not pose unreasonable risk. Operators shall ensure, based on their roles and the context, traceability including in relation to datasets, processes and decisions made during the AI system lifecycle, to enable the analysis of the outcomes of the AI system and responses to inquiry, appropriate to the context and consistent with the state of the art. Operators shall, based on their roles, the context, and their ability to act, apply a systematic risk management approach to each phase of the AI system lifecycle on a continuous basis to address the risks related to AI systems, including privacy, protection of personal data, digital security, safety and bias ('privacy and security')

5. Operators shall proactively engage in pursuit of beneficial outcomes for people, societies and the planet, such as advancing inclusion, reducing economic, social, gender and other inequalities, and protecting natural environments, therefore invigorating inclusive growth, sustainable development and well-being ('social benefit').

Or. en

Amendment 1144

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4 a

Trustworthy AI systems

1. The principles set out in this Article establish a high-level framework for a coherent and coordinated human-centric European approach on trustworthy AI systems that respect and promote the values on which the Union is founded. This Regulation takes those principles into account by establishing certain requirements for high-risk AI systems listed in Article 8 to 15.

- *‘human agency and oversight’ means that AI systems shall be developed and used as a tool that serves people, respects human dignity and personal autonomy, and that is functioning in a way that can be controlled and overseen by humans in a manner that is appropriate to the circumstances of the case.*

- *‘technical robustness and safety’ means that AI systems shall be developed and used in a way to minimize unintended and unexpected harm as well as being robust in case of problems and being resilient against attempts to alter the use or performance of the AI system by malicious third parties.*

- *‘privacy and data governance’ means that AI systems shall be developed and used in compliance with existing privacy and data protection rules, while processing data that meets high standards in terms of quality and integrity.*

- *‘transparency’ means that AI systems shall be developed and used in a way that allows appropriate traceability and explainability, while making humans aware that they communicate or interact with an AI system as well as duly informing users of the capabilities and limitations of that AI system.*

- *‘diversity, non-discrimination and fairness’ means that AI systems shall be developed and used in a way that includes diverse actors and promotes equal access, while avoiding discriminatory impacts*

that are prohibited by Union or Member States law.

- *‘social and environmental well-being’ means that AI systems shall be developed and used in a sustainable and environmentally friendly manner as well as in a way to benefit all human beings, while monitoring and assessing the long-term impacts on the individual, society and democracy.*

- *‘accountability’ means that AI systems shall be developed or used in a way that facilitates auditability and accountability pursuant to applicable Union and Member States law, while making clear who is legally responsible in case the AI system causes negative impacts.*

2. Paragraph 1 is without prejudice to obligations set up by existing Union and Member States legislation and does not create any additional obligations for providers or users.

3. European Standardisation Organisations shall understand the principles referred to in paragraph 1 as outcome-based objectives when developing the appropriate harmonised standards for high risk AI systems as referred to in Article 40(2b). For all other AI systems, the voluntary application on the basis of harmonised standards, technical specifications and codes of conducts as referred to in Article 69(1a) is encouraged.

Or. en

Amendment 1145

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation

Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4 a

Principles applicable to all AI systems

All operators of AI systems shall respect the following principles:

1. Operators of AI systems shall respect fundamental rights and the Union values, as enshrined in Article 2 TEU, throughout the AI system lifecycle. To ensure this, operators shall implement mechanisms and safeguards that are appropriate to the context and consistent with the state of art ('fairness')

2. Operators shall be accountable for the proper functioning of AI systems and for the respect of the fairness principle, based on their roles, the context, and consistent with the state of art. Operators shall ensure the proper functioning, throughout their lifecycle, of the AI systems that they design, develop, operate or deploy, in accordance with their role and applicable regulatory framework, and by demonstrating this through their actions and decision-making processes ('accountability')

3. Operators shall commit to transparency and responsible disclosure regarding AI systems. To this end, they shall provide meaningful information, appropriate to the context, and consistent with the state of art:

(a) to foster a general understanding of AI systems,

(b) to make affected persons aware that they are interacting with an AI system and an explanation thereof,

(c) to enable those affected by an AI system to understand the outcome, and

(d) to enable those adversely affected by an AI system to challenge its outcome based on plain and easy-to-understand information on the factors, and the logic that served as the basis for the prediction, recommendation or decision ('transparency and explainability')

4. Operators shall ensure that AI systems are robust, secure and safe throughout their entire lifecycle so that, in conditions of normal use, foreseeable use or misuse, or other adverse conditions, they function appropriately and do not pose unreasonable risk. Operators shall ensure, based on their roles and the context, traceability including in relation to datasets, processes and decisions made during the AI system lifecycle, to enable the analysis of the outcomes of the AI system and responses to inquiry, appropriate to the context and consistent with the state of art.

Operators shall, based on their roles, the context, and their ability to act, apply a systematic risk management approach to each phase of the AI system lifecycle on a continuous basis to address the risks related to AI systems, including privacy, protection of personal data, digital security, safety and bias ('privacy and security')

5. Operators shall proactively engage in pursuit of beneficial outcomes for people, societies and the planet, such as advancing inclusion, reducing economic, social, gender and other inequalities, and protecting natural environments, therefore invigorating inclusive growth, sustainable development and well-being ('social benefit')

Or. en

Justification

Articles 4a and 4b to be part of new Title Ia Principles applicable to all AI systems

Amendment 1146
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 4 a (new)

Article 4 a

Transparency Rights

- 1. Providers and deployers of AI systems which affect natural persons, in particular, by evaluating or assessing them, making predictions about them, recommending information, goods or services to them or determining or influencing their access to goods and services, shall inform the natural persons that they are subject to the use of such an AI system.***
- 2. The information referred to in paragraph 1 shall include a clear and concise indication about the provider or deployer and the purpose of the AI system, information about the rights of the natural person conferred under this Regulation, and a reference to publicly available resource where more information about the AI system can be found, in particular the relevant entry in the EU database referred to in Article 60, if applicable.***
- 3. This information shall be presented in a concise, intelligible and easily accessible form, including for persons with disabilities.***
- 4. This obligation shall be without prejudice to other Union or Member State laws, in particular Regulation 2016/679 [GDPR], Directive 2016/680 [LED], Regulation 2022/XXX [DSA].***
- 5. AI subjects will have the right not to be subject to a high-risk AI system.***

Or. en

Amendment 1147

Kosma Zlotowski, Patryk Jaki, Vincenzo Sofo, Adam Bielan

Proposal for a regulation

Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4 a

Notification about the use of an AI system

- 1. Users of AI systems which affect natural persons, in particular, by evaluating or assessing them, making predictions about them, recommending information, goods or services to them or determining or influencing their access to goods and services, shall inform the natural persons that they are subject to the use of such an AI system.*
- 2. The information referred to in paragraph 1 shall include a clear and concise indication of the user and the purpose of the AI system, information about the rights of the natural person conferred under this Regulation, and a reference to publicly available resource where more information about the AI system can be found, in particular the relevant entry in the EU database referred to in Article 60, if applicable.*
- 3. This information shall be presented in a concise, intelligible and easily accessible form, including for persons with disabilities.*
- 4. This obligation shall be without prejudice to other Union or Member State laws, in particular Regulation 2016/679, Directive 2016/680, Regulation 2022/XXX.*

Or. en

Amendment 1148

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Petar Vitanov, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation

Article 4 b (new)

Article 4 b

Accessibility Requirements for providers and users of AI systems

- 1. Providers of AI systems shall ensure that their systems are accessible in accordance with the accessibility requirements set out in Section I, Section II, Section VI, and Section VII of Annex I of Directive (EU) 2019/882 prior to those systems being placed on the market or put into service.**
- 2. Users of AI systems shall use such systems in accordance with the accessibility requirements set out in Section III, Section IV, Section VI, and Section VII of Annex I of Directive (EU) 2019/882.**
- 3. Users of AI systems shall prepare the necessary information in accordance with Annex V of Directive (EU) 2019/882. Without prejudice to Annex VIII of this Regulation, the information shall be made available to the public in an accessible manner for persons with disabilities and be kept for as long as the AI system is in use.**
- 4. Without prejudice to the rights of affected persons to information about the use and functioning of AI systems, transparency obligations for providers and users of AI, obligations to ensure consistent and meaningful public transparency under this Regulation, providers and users of AI systems shall ensure that information, forms and measures provided pursuant to this Regulation are made available in such a manner that they are easy to find, easy to understand, and accessible in accordance with Annex I to Directive 2019/882.**
- 5. Users of AI systems shall ensure that procedures are in place so that the use of AI systems remains in conformity with the applicable accessibility requirements. Changes in the characteristics of the use,**

changes in applicable accessibility requirements and changes in the harmonised standards or in technical specifications by reference to which use of an AI system is declared to meet the accessibility requirements shall be adequately taken into account by the user.

6. In the case of non-conformity, users of AI systems shall take the corrective measures necessary to conform with the applicable accessibility requirements. When necessary, and at the request of the user, the provider of the AI system in question shall cooperate with the user to bring the use of the AI system into compliance with applicable accessibility requirements.

7. Furthermore, where the use of an AI system is not compliant with applicable accessibility requirements, the user shall immediately inform the competent national authorities of the Member States in which the system is being used, to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken. They shall cooperate with the authority, at the request of that authority, on any action taken to bring the use of the AI system into compliance with applicable accessibility requirements.

8. AI systems and the use of thereof, which are in conformity with harmonised technical standards or parts thereof derived from Directive (EU) 2019/882 the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the accessibility requirements of this Regulation in so far as those standards or parts thereof cover those requirements.

9. AI systems and use of thereof, which are in conformity with the technical specifications or parts thereof adopted for the Directive (EU) 2019/882 shall be presumed to be in conformity with the accessibility requirements of this Regulation in so far as those technical

specifications or parts thereof cover those requirements.

Or. en

Amendment 1149

Kosma Zlotowski, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 4 b (new)

Text proposed by the Commission

Amendment

Article 4 b

Explanation of individual decision-making

1. A decision made by or with the assistance of a high risk AI system which produces legal effects concerning a person, or which similarly significantly affects that person, shall be accompanied by a meaningful, relevant explanation of at least:

(a) the role of the AI system in the decision-making process;

(b) the input data relating to the affected person, including the indication of his or her personal data on the basis of which the decision was made;

(c) for high-risk AI systems, the link to the entry in the EU database referred to in Article 60;

(d) the information about the person's rights under this Regulation, including the right to lodge a complaint with the national supervisory authority.

For information on input data under point b) to be meaningful it must include an easily understandable description of inferences drawn from other data.

2. Paragraph 1 shall not apply to the use of AI systems:

(a) that are authorised by law to detect, prevent, investigate and prosecute

criminal offences or other unlawful behaviour under the conditions laid down in Article 3(41) and Article 52 of this Regulation, if not explaining the decision is necessary and proportionate for detection, prevention, investigation and prosecution of a specific offence;

(b) for which exceptions from, or restrictions to, the obligation under paragraph 1 follow from Union or Member State law, which lays down appropriate other safeguards for the affected person's rights and freedoms and legitimate interests.

3. The explanation within the meaning of paragraph 1 shall be provided at the time when the decision is communicated to the affected person and shall be provided in a clear, easily understandable, and intelligible way, accessible for persons with disabilities.

4. If the affected person believes that the decision produced legal effects or similarly significantly affects him or her, but the deployer has not provided the explanation, he or she may request it. The deployer shall inform the affected person within 7 days about how he assessed the request and if it is accepted, the explanation shall be provided without undue delay. If the request is refused, the deployer shall inform the affected person of the right to complain to the national supervisory authority.

Or. en

Amendment 1150

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 4 b (new)

Text proposed by the Commission

Amendment

Article 4 b

Principles applicable to all AI systems

1. Providers and deployers of AI systems shall respect the following principles:

(a) AI systems must be used in a fair and transparent manner in relation to AI subjects;

(b) AI subjects shall have a right to automatically receive an explanation in accordance with Article 4c;

(c) AI subjects shall have the right to object to a decision taken solely by an AI system, or relying to a significant degree on the output of an AI system, which produces legal effects concerning him or her, or similarly significantly affects him or her. This paragraph is without prejudice to Article 22 of Regulation 2016/679;

(d) AI systems shall not be used to exploit power and information asymmetries to the detriment of AI subjects, regardless of whether such asymmetries already exist or may be created or aggravated by the use of AI systems themselves. In particular, AI systems may not be used to discriminate against AI subjects on the basis of the characteristics listed in Article 21 of the European Charter of Fundamental Rights, on the basis of biometrics-based data, as well as on the basis of economic factors;

(e) AI systems must be safe and secure, ensuring a performance that is reliable, accurate, and robust throughout their lifecycle;

(f) AI systems intended to interact with AI subjects shall be designed and developed in such a way that natural individuals are informed that they are interacting with an AI system, especially where its outputs or behaviour may be reasonably mistaken for that of a human being;

2. Providers of AI systems shall be responsible for, and be able to demonstrate compliance with, the

principles established in paragraph 1. This requirement shall apply accordingly to deployers where they have substantially influenced the intended purpose or the manner of operation of the AI system;

3. The functioning of AI systems shall be regularly monitored and assessed to ensure they respect the rights and obligations set out in Union law;

4. These principles shall apply without prejudice to existing obligations relating to transparency, explanation or motivation of decision-making under Member State or Union law.

Or. en

Amendment 1151

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation

Article 4 b (new)

Text proposed by the Commission

Amendment

Article 4 b

A right to explanation of individual decision-making

1. A decision which is taken by the user on the basis of the output from an AI system and which produces legal effects on an affected person, or which similarly significantly affects that person, shall be accompanied by a meaningful explanation of:

(a) the role of the AI system in the decision-making process;

(b) the logic involved, the main parameters of the decision-making, and their relative weight; and

(c) the input data relating to the affected person and each of the main parameters on the basis of which the decision was

made.

For information on input data under point c) to be meaningful, it must include an easily understandable description of inferences drawn from other data, if it is the inference that relates to the main parameter.

2. For the purpose of Paragraph 1, it shall be prohibited for the law enforcement authorities or the judiciary in the Union to use AI systems that are considered closed or labelled as proprietary by the providers or the distributors;

3. The explanation within the meaning of paragraph 1 shall be provided at the time when the decision is communicated to the affected person.

Or. en

Amendment 1152

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation **Article 4 c (new)**

Text proposed by the Commission

Amendment

Article 4 c

Explanation of individual decision-making

1. A decision made by or with the assistance of an AI system which produces legal effects concerning an AI subject, or which similarly significantly affects an AI subject, shall be accompanied by a meaningful, relevant explanation of at least:

(a) the role of the AI system in the decision-making process and the extent to which the output produced by the AI system influenced the decision in this case;

(b) the logic involved, the main parameters of decision-making, and their relative weight;

(c) the input data relating to the AI subject, including the indication of his or her personal data, and each of the parameters on the basis of which the decision was made. For the information on input data to be meaningful it must include an easily understandable description of inferences drawn from other data;

(d) if applicable, the category or group into which the AI subject has been classified;

(e) whether the same decision was taken in relation to other persons in similar circumstances and if not – an explanation why the AI subject was treated differently, without prejudice to the protection of personal data;

(f) for high-risk AI systems, the link to the entry in the EU database referred to in Article 60;

(g) the information about the person's rights under this Regulation, including the right to lodge a complaint with a supervisory authority;

2. Paragraph 1 shall not apply to the use of AI systems:

(a) that are authorised by law to detect, prevent, investigate and prosecute criminal offences or other unlawful behaviour under the conditions laid down in Article 3(41) and Article 52 of this Regulation, if not explaining the decision is necessary and proportionate for detection, prevention, investigation and prosecution of a specific offence;

(b) for which exceptions from, or restrictions to, the obligation under paragraph 1 follow from Union or Member State law, which lays down appropriate other safeguards for the affected person's rights and freedoms and legitimate interests;

3. The explanation within the meaning of paragraph 1 shall be provided by default at the same time when the decision is communicated to the AI subject and shall be provided in a clear, easily understandable, and intelligible way, accessible for persons with disabilities;

4. If an AI subject has not received an explanation by default, AI subjects have the right to request it. The deployer shall inform the affected person within 7 days. If the request is refused, the deployer shall inform the AI subject of the right to complain to the national supervisory authority.

Or. en

Amendment 1153

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

**Proposal for a regulation
Article 4 c (new)**

Text proposed by the Commission

Amendment

Article 4 c

Right to receive an explanation of individual decision-making

1. A decision which is taken by the user on the basis of the output from an AI system and which produces legal effects on an affected person, or which similarly significantly affects that person, shall be accompanied by a meaningful explanation of

(a) the role of the AI system in the decision-making process;

(b) the logic involved, the main parameters of the decision-making, and their relative weight; and

(c) the input data relating to the affected person and each of the main parameters

on the basis of which the decision was made.

For information on input data under point c) to be meaningful, it must include an easily understandable description of inferences drawn from other data, if it is the inference that relates to the main parameter.

2. For the purpose of Paragraph 1, it shall be prohibited for the law enforcement authorities or the judiciary in the Union to use AI systems that are considered closed or labelled as proprietary by the providers or the distributors;

3. The explanation within the meaning of paragraph 1 shall be provided at the time when the decision is communicated to the affected person.

Or. en

Amendment 1154

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Petar Vitanov, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation

Article 4 d (new)

Text proposed by the Commission

Amendment

Article 4 d

Right not to be subject to non-compliant AI systems

Natural persons shall have the right not to be subject to AI systems that:

(a) pose an unacceptable risk pursuant to Article 5, or

(b) otherwise do not comply with the requirements of this Regulation.

Or. en

Amendment 1155

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 5 – title

Text proposed by the Commission

Amendment

5

5 ***-1. Any practices related to artificial intelligence and AI systems whose development, deployment or use, or reasonably foreseeable misuse, that adversely affect, or are likely to adversely affect, the essence of any fundamental right shall be prohibited.***

Or. en

Amendment 1156

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation

Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The following artificial intelligence practices shall be prohibited:

1. ***In addition to paragraph -1,*** the following artificial intelligence practices shall be prohibited:

Or. en

Amendment 1157

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation

Article 5 – paragraph 1 – point a

Text proposed by the Commission

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 that causes or is likely to cause that person or another person physical *or* psychological harm;

(a) the placing on the market, putting into service or use of an AI system that deploys techniques *with the effect or likely effect of* materially *distorting* a person's behaviour *by appreciably impairing the persons' ability to make an informed decision, thereby causing the person to take a decision that they would not have taken otherwise*, in a manner that causes or is likely to cause that person or another person, *or a group of persons material or non-material harm, including* physical, psychological *or economic* harm;

Or. en

Amendment 1158

Kim Van Sparrentak, Sergey Lagodinsky

on behalf of the Verts/ALE Group

Alexandra Geese, Alviina Alametsä, Sylwia Spurek

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 development*, the placing on the market, putting into service, *deployment* or use of an AI system that deploys techniques *with the effect or likely effect of* materially *distorting* a person's *or a group's* behaviour, *including by impairing the person's ability to make an informed decision, thereby causing the person to take a decision that they would not otherwise have taken*, in a manner that causes or is likely to cause *any* person or *society at large* physical, *economic* or psychological harm;

Or. en

Amendment 1159

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

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 **deployed, aimed at, or used for manipulation, deception or distorting** a person's behaviour **or exploit a person's characteristics**, in a manner that causes, or is likely to cause, **harm to:**

(i) that person's, another person's or group of persons' fundamental rights, including their physical or psychological health and safety, and/or

(ii) democracy, the rule of law, or society at large;

Or. en

Amendment 1160

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

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 techniques **with the effect or the likely effect of** materially **distorting the behaviour of a person by impairing their ability to make an autonomous decision, thereby causing them to take a decision that they would not have taken otherwise**, in a manner that causes or is likely to cause that person or **other persons material or non-material harm, including** physical, psychological **or economic** harm;

Or. en

Amendment 1161

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H  l  ne Laporte, Jean-Paul Garraud

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 distort a person’s behaviour;

Or. fr

Amendment 1162

Kateřina Kone  n  , Fernando Barrena Arza, Cornelia Ernst, Elena Kountoura

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 ***manipulative, including*** subliminal, techniques beyond a person’s consciousness;

Or. en

Amendment 1163

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştef  nu  , Ramona Strugariu, Dragoş P  slaru, Lucia   uriş Nicholsonov  , Irena Joveva, Malik Azmani, Alin Mitu  

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, ***with the exception of AI systems using such techniques for scientific research and for approved therapeutic purposes on the basis of explicit consent of the natural persons that are exposed to them, which systems shall be classified as high risk for the purposes of this Regulation;***

Or. en

Amendment 1164
Sophia in 't Veld, Michal Šimečka

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. en

Amendment 1165
Krzysztof Hetman, Adam Jarubas, Andrzej Halicki, Jerzy Buzek, Janusz Lewandowski, Radosław Sikorski

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

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 that causes or is likely to cause that person or another person physical or psychological harm;

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 ***that could be predicted with due diligence***;

Or. en

Amendment 1166

Axel Voss, Deirdre Clune, Eva Maydell

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 ***with the objective to significantly and materially distorting*** a person's behaviour ***or directly causing*** that person or another person ***significant*** harm;

Or. en

Amendment 1167

Karlo Ressler

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 ***harmful*** subliminal techniques beyond a person's consciousness ***with the objective to*** materially distort a person's ***behavior*** in a manner that causes or, ***that foreseeably may*** cause that person or another person ***material***, physical or psychological harm;

Amendment 1168

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

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** that causes or is likely to cause that person or another person physical or psychological harm;

Or. en

Amendment 1169

Svenja Hahn, Nicola Beer, Karen Melchior, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Abir Al-Sahlani, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

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 **with the objective to or the effect of** materially **distorting** a person's behaviour in a manner that causes or is **reasonably** likely to cause that person or another person physical or psychological harm;

Or. en

Amendment 1170

René Repasi, Marc Angel, Andreas Schieder, Maria-Manuel Leitão-Marques

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 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;

Or. en

Amendment 1171
Marion Walsmann

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 that causes that person or another person physical or psychological harm;

Or. en

Amendment 1172
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Sophia in 't Veld, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Karen Melchior, Alin Mituţa, Michal Šimečka

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

Text proposed by the Commission

Amendment

(a a) The placing on the market, putting

into service or use of an AI system that deploys purposefully manipulative or deceptive techniques 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, infringe on that person's or another person's fundamental rights, or contravene the Union values enshrined in Article 2 TEU;

Or. en

Amendment 1173

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Petar Vitanov, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(a a) the placing on the market, putting into service or use of an AI system that deploys subliminal techniques.

Or. en

Amendment 1174

Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä, Sylwia Spurek

Proposal for a regulation

Article 5 – paragraph 1 – point b

Text proposed by the Commission

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

(b) the *development*, placing on the market, putting into service, *deployment* or use of an AI system that exploits *or may be reasonably foreseen to exploit* any of the *characteristics of one or more individuals, or* a specific group of persons, *including those characteristic of known, inferred or*

manner that causes or is likely to cause **that person or another person** physical or psychological harm;

predicted personality traits, orientations, or social or economic situation, with the effect or likely effect of materially distorting the behaviour of one or more persons that are part of that group in a manner that causes or is likely to cause any person material or non-material harm, including physical, economic or psychological harm or affecting democracy or society at large;

Or. en

Amendment 1175

Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

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 ***characteristics*** of a specific group of persons due to their age, ***gender, ethnic origin, sexual orientation, disability, or any other biological, physical, physiological, behavioural or social characteristics that results in a detrimental, unfavourable, or discriminatory treatment vis-à-vis persons without those characteristics, or that is used*** 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, psychological ***or material*** harm;

Or. en

Justification

The proposed text of the Commission is very limiting and does not sufficiently protect individuals, especially belonging to marginalised groups, from AI-based exploitation. The AI Act should go beyond the paternalistic approach of seeing certain groups of society as inherently ‘vulnerable’ and instead should appreciate that this vulnerability is caused by unfavourable treatment and socio-economic or other barriers individuals belonging to marginalised groups experience. Therefore, the AI Act should ensure the full protection of

individuals and prohibit exploitation of any sensitive characteristic that would result in unfavourable or discriminatory treatment of persons with given characteristics. Finally, the provision needs to consider harms beyond those of psychical or psychological, and include material harm.

Amendment 1176

Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

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 ***or may be reasonably foreseen to exploit*** vulnerabilities of ***children or characteristics of a person or*** a specific group of persons due to their age, physical or mental ***ability, gender, sexual orientation, ethnicity, race, origin, and religion or social or economic situation, with the effect or likely effect of*** materially ***distorting*** the behaviour of a person pertaining to that group in a manner that causes or is likely to cause that person or another person ***material or non-material harm, including*** physical, psychological ***or economic*** harm;

Or. en

Amendment 1177

Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

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

Amendment

(b) the placing on the market, putting into service or use of an AI system that exploits ***or may be reasonably foreseen to***

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;

exploit the vulnerabilities of a specific group of persons due to their age, physical or mental **ability, sex, gender, sexual orientation, ethnic or social origin, race, religion or belief, or social or economic situation, with the effect or the likely effect of** materially **distorting** the behaviour of a person in a manner that causes or is likely to cause that person or **other persons material or non-material harm, including** physical, psychological **or economic** harm;

Or. en

Amendment 1178

Rob Rooker

on behalf of the ECR Group

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** group of persons **based on any characteristic or a combination thereof, including but not limited to:** their age, **race, sex, colour, health status, social and economic status, disability, political or other opinion**, 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 1179

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H el ene Laporte, Jean-Paul Garraud

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, such as age or physical or mental disability***;

Or. fr

Amendment 1180
Sophia in 't Veld, Michal Šimečka

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, ***intentionally or not***, any of the vulnerabilities of a ***person or*** group of persons ***based on any sensitive or protected characteristic, including but not limited to age, gender and gender identity, racial or ethnic origin, health status, sexual orientation, sex characteristics, social or economic status, worker status, migration status, or disability in accordance with Article 21 of the Charter of Fundamental Rights***;

Or. en

Amendment 1181
Svenja Hahn, Nicola Beer, Karen Melchior, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlani, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

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 **an individual, including characteristics of such individual's known or predicted personality or social or economic situation**, a specific group of persons due to their age **or** 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 1182

René Repasi, Marc Angel, Andreas Schieder, Paul Tang, Maria-Manuel Leitão-Marques

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 **an individual 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, **material or economic damage**;

Or. en

Justification

The use of biometrics for categorisation and emotion recognition should be prohibited. Assigning a stigmatising category to a person, such as "criminal offender", can in itself severely affect a person's private life and could lead to discrimination.

Amendment 1183

Krzysztof Hetman, Adam Jarubas, Andrzej Halicki, Jerzy Buzek, Janusz Lewandowski, Radosław Sikorski

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 causes or is likely to cause that person or another person physical or psychological harm ***that could be predicted with due diligence***;

Or. en

Amendment 1184

Axel Voss, Deirdre Clune, Eva Maydell

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, ***with the objective to or the effect of*** materially ***distorting*** the behaviour of a person pertaining to that group in a manner that causes or is likely to ***directly*** cause that person or another person ***significant*** harm;

Or. en

Amendment 1185

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Sophia in 't Veld, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Karen Melchior, Alin Mituţa, Michal Šimečka

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 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 1186

Marion Walsmann

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 causes that person or another person physical or psychological harm;

Or. en

Amendment 1187

Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

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 by *or on behalf of* public authorities or *by private actors* for the *purpose of social scoring.*

Or. en

Amendment 1188

Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, H  l  ne Laporte, Jean-Paul Garraud

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;

Or. fr

Justification

We prohibit social scoring by AI in all circumstances, not only by the public authorities or in cases where it causes harm.

Amendment 1189

Vincenzo Sofo

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 by public authorities or on their behalf ***as well as private companies, including social media and cloud service providers***, 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. en