AMENDMENTS
1190 - 1580

Draft report
Brando Benifei, Dragoș Tudorache
(PE731.563v01-00)

Harmonised rules on Artificial Intelligence (Artificial Intelligence Act) and amending certain Union Legislative Acts

Proposal for a regulation
Amendment 1190  
Jorge Buxadé Villalba  
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 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. es

Amendment 1191  
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar  
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 scoring, evaluation or classification of natural persons or groups related to their education, employment, housing, socioeconomic situation, health, reliability, social behaviour, location or movements;

Or. en

Amendment 1192  
Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova
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 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 private actors or public authorities or on their behalf for the evaluation or classification of the trustworthiness of natural persons based on their social behaviour or known or predicted personal or personality characteristics;

Or. en

Amendment 1193
Kateřina Konečná, Pernando Barrena Arza, 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 for the evaluation or classification of the trustworthiness of natural persons or groups thereof relating to their education, employment, housing, socio-economic situation, health, reliability, social behaviour, location or movements.

Or. en

Justification

The text of the proposal does not sufficiently protect inherent dignity and privacy of individuals. AI-based techniques to evaluate or classify individuals as trustworthy does not have a place in a democratic society no matter if the outcomes are harmful or not for individuals. It is also important to note that if an outcome for evaluation is beneficial for one
individual it means that other individuals automatically get pushed back in the ‘trustworthiness line.’ So, indirectly people, especially people who are already marginalized, will be harmed even if they are not the ones being directly evaluated or classified.

Amendment 1194
Sophia in 't Veld, Michal Šimečka

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

<table>
<thead>
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<tr>
<td>(c) the placing on the market, putting into service or use of AI systems <strong>by public authorities or on their behalf</strong> for the evaluation or classification of the trustworthiness of natural persons <strong>over a certain period of time</strong> based on their social behaviour or known or predicted personal or personality characteristics, <strong>with the social score leading to either or both of the following:</strong></td>
<td>(c) the placing on the market, putting into service or use of AI systems for calculation or establishment of a 'social score' resulting from the evaluation or classification of natural persons based on their physical attributes, social behaviour or known or predicted personal or personality characteristics.</td>
</tr>
</tbody>
</table>

Or. en

Amendment 1195
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 c – introductory part

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<td>(c) the placing on the market, putting into service or use of AI systems <strong>by public authorities or on their behalf</strong> 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, <strong>with the social score leading to either or both of the following:</strong></td>
<td>(c) the <strong>development</strong>, placing on the market, putting into service, <strong>deployment</strong> or use of AI systems for the evaluation or classification of the trustworthiness or social standing of natural persons over a certain period of time based on their social behaviour or known, <strong>inferred</strong> or predicted personal or personality characteristics, potentially leading to detrimental or unfavourable treatment of persons or whole groups;</td>
</tr>
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Amendment 1196
Rob Rooker
on behalf of the ECR Group

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 for the scoring, evaluation or classification of natural persons or groups thereof relating to their social behaviour or known or predicted personal or personality characteristics, where the score or assessment leads to any of the following:

Amendment 1197
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pislaru, Lucia Ŏuriš Nicholsonová, Irena Joveva, Malik Azmani, Svenja Hahn, Morten Løkkegaard, Alin Mituța

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 for the evaluation or classification of natural persons over an extended period of time based on their social behaviour or known or predicted personal or personality characteristics (social scoring), with the social score leading to either of the following:

Or. en
Amendment 1198
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation
Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission

(i) detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

Amendment

(i) detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

Or. fr

Justification

We prohibit social scoring by AI in all circumstances, not only in cases where it causes harm.

Amendment 1199
Jorge Buxadé Villalba

Proposal for a regulation
Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission

(i) detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

Amendment

(i) detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

Or. es

Amendment 1200
Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation
Article 5 – paragraph 1 – point c – point i
Text proposed by the Commission

(i) detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

Amendment 1201
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar
Proposal for a regulation
Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission

(i) detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

Or. en

Amendment 1202
Brando Benifei, 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 5 – paragraph 1 – point c – point i

Text proposed by the Commission

(i) detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

Or. en
which the data was originally generated or collected;

Amendment 1203
Kim Van Sparrentak, Sergey Lagodinsky on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission Amendment

(i) detrimental or unfavourable deleted
treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

Or. en

Amendment 1204
Sophia in 't Veld, Michal Šimečka

Proposal for a regulation
Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission Amendment

(i) detrimental or unfavourable deleted
treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

Or. en

Amendment 1205
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura
Proposal for a regulation
Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission

(i) detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

Amendment

(i) detrimental or unfavourable treatment affecting the fundamental rights of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

Or. en

Amendment 1206
Rob Rooken
on behalf of the ECR Group

Proposal for a regulation
Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission

(i) detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

Amendment

(i) preferential, detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

Or. en

Amendment 1207
Kosma Złotowski, Patryk Jaki, Adam Bielan

Proposal for a regulation
Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission

(i) detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;
Proposal for a regulation
Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission
(i) detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

Amendment
(i) detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts that are unrelated to the contexts in which the data was originally generated or collected;

Proposal for a regulation
Article 5 – paragraph 1 – point c – point i

Text proposed by the Commission
(i) detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

Amendment
(i) detrimental or unfavourable treatment of certain natural persons or groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected;

Proposal for a regulation
Article 5 – paragraph 1 – point c – point ii
We prohibit social scoring by AI in all circumstances, not only in cases where it causes harm.

Amendment 1211
Jorge Buxadé Villalba

Proposal for a regulation
Article 5 – paragraph 1 – point c – point ii

Amendment 1212
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Article 5 – paragraph 1 – point c – point ii
Amendment 1213
Sophia in 't Veld, Michal Šimečka

Proposal for a regulation
Article 5 – paragraph 1 – point c – point ii

Text proposed by the Commission Amendment

(ii) detrimental or unfavourable deleted
treatment of certain natural persons or whole groups thereof that is unjustified or disproportionate to their social behaviour or its gravity;

Or. en

Amendment 1214
Kim Van Sparrentak, Sergey Lagodinsky on behalf of the Verts/ALE Group Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 5 – paragraph 1 – point c – point ii

Text proposed by the Commission Amendment

(ii) detrimental or unfavourable deleted
treatment of certain natural persons or whole groups thereof that is unjustified or disproportionate to their social behaviour or its gravity;

Or. en

Amendment 1215
Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation
Article 5 – paragraph 1 – point c – point ii

Text proposed by the Commission Amendment

(ii) detrimental or unfavourable deleted
treatment of certain natural persons or whole groups thereof that is unjustified or
disproportionate to their social behaviour or its gravity;

Justification
covered by our definition of social scoring

Amendment 1216
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 5 – paragraph 1 – point c – point ii

Text proposed by the Commission

(ii) detrimental or unfavourable treatment of certain natural persons or whole groups thereof that is unjustified or disproportionate to their social behaviour or its gravity;

Amendment 1217
Brando Benifei, 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 5 – paragraph 1 – point c – point ii

Text proposed by the Commission

(ii) detrimental or unfavourable treatment of certain natural persons or whole groups thereof that is unjustified or disproportionate to their social behaviour or its gravity;

Amendment 1218
Kosma Złotowski, Patryk Jaki, Adam Bielan

Proposal for a regulation
Article 5 – paragraph 1 – point c – point ii

Text proposed by the Commission

(ii) detrimental or unfavourable treatment of certain natural persons or whole groups thereof that is unjustified or disproportionate to their social behaviour or its gravity;

Amendment

(ii) preferential, detrimental or unfavourable treatment of certain natural persons or whole groups thereof that is unjustified or disproportionate to their social behaviour or its gravity;

Or. en

Amendment 1219
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 5 – paragraph 1 – point c – point ii

Text proposed by the Commission

(ii) detrimental or unfavourable treatment of certain natural persons or whole groups thereof that is unjustified or disproportionate to their social behaviour or its gravity;

Amendment

(ii) detrimental or unfavourable treatment of certain natural persons or groups thereof that is unjustified or disproportionate to their social behaviour or its gravity;

Or. en

Amendment 1220
Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ţuriş Nicholsonová, Irena Joveva, Malik Azmani, Svenja Hahn, Morten Løkkegaard, Alin Mituța

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

Text proposed by the Commission

(ii a) privileged treatment of certain natural persons or whole groups thereof in social contexts that are unrelated to the contexts in which the data was originally generated or collected;
Amendment 1221
Rob Rooken
on behalf of the ECR Group

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

<table>
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<tr>
<th>Text proposed by the Commission</th>
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</tr>
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<tbody>
<tr>
<td>(ii a) treatment of certain natural persons or whole groups thereof otherwise amounting to an unnecessary or disproportionate restriction on fundamental rights.</td>
<td></td>
</tr>
</tbody>
</table>

Amendment 1222
Brando Benifei, 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 5 – paragraph 1 – point c a (new)

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<td>(c a) the placing on the market, putting into service or use of an AI system for making individual or place-based risk assessments of natural persons in order to assess the risk of a natural person for offending or reoffending or for predicting the occurrence or reoccurrence of an actual or potential criminal offence based on profiling of a natural person or on assessing personality traits and characteristics or past criminal behaviour of natural persons or groups of natural persons;</td>
<td></td>
</tr>
</tbody>
</table>
Amendment 1223
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Sandro Gozi, Vlad-Marius Botoş, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlani, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

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

Text proposed by the Commission

(c a) the placing on the market, putting into service or use of an AI system for making individual risk assessments of natural persons in order to assess the risk of a natural person for offending or reoffending or for predicting the occurrence or reoccurrence of an actual or potential criminal offence based on profiling of a natural person or on assessing personality traits and characteristics or past criminal behaviour of natural persons or groups of natural persons;

Or. en

Amendment 1224
Jean-Lin Lacapelle, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

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

Text proposed by the Commission

(c a) the placing on the market, putting into service or use of an AI system that takes decisions to dispatch or set priorities for dispatching emergency response services on which the lives of those rescued depend;

Or. fr

Justification

We would point out that this prohibition applies to AI systems, which take decisions and not to those that issue mere recommendations.
Amendment 1225
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Marina Kaljurand, Paul Tang

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

Text proposed by the Commission

(c a) the placing on the market, putting into service, or use of AI systems intended to be used as polygraphs and similar tools to detect the emotional state, trustworthiness or related characteristics of a natural person;

Or. en

Amendment 1226
Jean-Lin Lacapelle, Markus Buchheit, Hélène Laporte

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

Text proposed by the Commission

(c b) the placing on the market, putting into service or use of an AI system that performs individual risk assessments, serves as polygraphs or similar tools, or analyses the emotional state of natural persons, or predicts the occurrence or repetition of an actual or potential criminal offence on the basis of profiling of natural persons or groups, or which assesses the personality traits of natural persons or groups for profiling purposes in the context of detection, investigation or prosecution of criminal offences;

Or. fr
Proposal for a regulation
Article 5 – paragraph 1 – point c c (new)

Text proposed by the Commission

(c c) the placing on the market, putting into service or use of an AI system for the administration of justice and for democratic processes, which helps judicial authorities to investigate and interpret facts and the law, and to apply the law to a specific set of facts, with the exception of purely ancillary administrative activities which have no impact on the actual administration of justice in individual cases;

Amendment 1228
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

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

Text proposed by the Commission

(c d) the placing on the market, putting into service or use of an AI system that performs genomic, physiological, psychological or behavioural analyses of a natural person for the purpose of profiling that natural person;

Amendment 1229
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation
Article 5 – paragraph 1 – point c e (new)
((c) the placing on the market, putting into service or use of an AI system that may affect the cognitive integrity or personality of a natural person, with or without the support of physical implants;

Amendment 1230
Jörgen Warborn, Arba Kokalari, Tomas Tobé
Proposal for a regulation
Article 5 – paragraph 1 – point d

(d) the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:

(i) the targeted search for specific potential victims of crime, including missing children;

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

(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.

62 Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the European arrest warrant and the


Justification

Instead of blanketly banning the law enforcement's use of facial recognition AI, these systems should be incorporated in the list of high-risk AI systems and subject to strict control. Such modern AI software can process information and images at lightning speed and with great precision - tasks that would take days for a human law enforcement agent to go through. Also with much less risk of bias, when the programs are diligently designed. Using such technology can help law enforcement not only prevent crimes, but also react rapidly when they occur, and provide a very powerful tool to investigate serious crimes.

Amendment 1231
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte

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

Text proposed by the Commission

(d) the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:

Amendment

(d) the use of biometric identification systems, except those strictly used for individual authentication of access to protected spaces or systems, those used for the execution of administrative procedures by tax and customs authorities, and by law enforcement authorities if and in as far as such use is strictly necessary for one of the following objectives:

Or. fr

Amendment 1232
Pernando Barrena Arza, Cornelia Ernst

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

Text proposed by the Commission

(d) the use of ‘real-time’ remote biometric identification systems in publicly

Amendment

(d) putting into service, by public and private entities or on their behalf, of
accessible spaces for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives: remote biometric identification systems that are or may be used in publicly-accessible, including online, spaces; and the use of remote biometric identification systems in publicly accessible, including online, spaces, but without affecting employees who work in publicly accessible spaces.

Amendment 1233
Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Irena Joveva, Malik Azmani, Karen Melchior, Svenja Hahn, Róża Thun und Hohenstein, Alin Mituța

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

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Amendment 1234
Svenja Hahn, Dragoș Tudorache, Nicola Beer, Karen Melchior, Róża Thun und Hohenstein, Vlad-Marius Botoș, Samira Rafaela, Monica Semedo, Salima Yenbou, Moritz Körner, Jan-Christoph Oetjen

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

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<td>(d) the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces.</td>
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</tbody>
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### Amendment 1235
Sophia in 't Veld, Michal Šimečka, Róża Thun und Hohenstein

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

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<td>(d) the use of <em>real-time</em> remote biometric identification systems in publicly accessible spaces <em>for the purpose of</em> law enforcement, <em>unless and in as far as</em> such use is strictly necessary for one of the following objectives:</td>
<td>(d) The <strong>placing on the market, putting into service or use of</strong> of AI for an automated recognition of human features in publicly accessible spaces - <em>such as of faces but also of</em> gait, fingerprints, DNA, voice, keystrokes and other biometric or behavioral signals - <em>for any</em> purpose, <em>including</em> law enforcement.</td>
</tr>
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### Amendment 1236
Rob Rooken
on behalf of the ECR Group

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

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<td>(d) the use of <em>real-time</em> remote biometric identification systems in publicly accessible spaces <em>for the purpose of law enforcement, unless and in as far as</em> such use is strictly necessary for one of the following objectives:</td>
<td>(d) the <strong>placing on the market and use</strong> of remote biometric identification systems in publicly accessible spaces;</td>
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</table>

### Amendment 1237
Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Marc Angel

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

Text proposed by the Commission

(d) the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:

Amendment

(d) the use of remote biometric identification systems in publicly or privately accessible spaces, both online and offline.

Or. en

Amendment 1238
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission

(d) the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:

Amendment

(d) the placing or making available on the market or putting into service of remote biometric identification systems that are or may be used in publicly-accessible spaces, as well as online spaces, and the use of remote biometric identification systems in publicly accessible spaces;

Or. en

Amendment 1239
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

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

Text proposed by the Commission

(d) the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:

Amendment

(d) the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement;
Amendment 1240
Axel Voss, Deirdre Clune

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

Text proposed by the Commission

(d) the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:

Amendment

(d) the use of ‘real-time’ remote biometric identification function of an AI system in publicly accessible spaces by law enforcement or on their behalf, unless and in as far as such use is strictly necessary used for one of the following objectives:

Amendment 1241
Jorge Buxadé Villalba

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

Text proposed by the Commission

(d) the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:

Amendment

(d) the use and installation of ‘real-time’ or ‘post’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement, except in relation to border control and in the context of the fight against terrorism:

Amendment 1242
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 5 – paragraph 1 – point d – introductory part
(d) the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:

(d) the development, placing on the market, putting into service, deployment or use of remote biometric identification systems or biometrics-based in publicly accessible spaces, including online accessible spaces;

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

Text proposed by the Commission

(d) the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:

(d) the placing or making available on the market, the putting into service or use of remote biometric identification systems that are or maybe used in publicly or privately accessible spaces, as well as online spaces;

Amendment 1243
Krzysztof Hetman, Adam Jarubas, Andrzej Halicki, Jerzy Buzek, Janusz Lewandowski, Radosław Sikorski

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

Text proposed by the Commission

(d) the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:

(d) the placing or making available on the market, the putting into service or use of remote biometric identification systems that are or maybe used in publicly or privately accessible spaces, as well as online spaces;

Amendment 1244
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Paul Tang

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

Text proposed by the Commission

(d) the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:

(d) the placing or making available on the market, the putting into service or use of remote biometric identification systems that are or maybe used in publicly or privately accessible spaces, as well as online spaces;
Amendment 1245
Jorge Buxadé Villalba

Proposal for a regulation
Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission

(i) the targeted search for specific potential victims of crime, including missing children;

Amendment

(i) the targeted search for specific deleted potential victims of crime, including missing children;

Or. es

Amendment 1246
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission

(i) the targeted search for specific potential victims of crime, including missing children;

Amendment

(i) the targeted search for specific deleted potential victims of crime, including missing children;

Or. en

Amendment 1247
Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation
Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission

(i) the targeted search for specific potential victims of crime, including missing children;

Amendment

(i) the targeted search for specific deleted potential victims of crime, including missing children;

Or. en
Amendment 1248
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission
Amendment

(i) the targeted search for specific potential victims of crime, including missing children;

Amendment 1249
Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation
Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission
Amendment

(i) the targeted search for specific potential victims of crime, including missing children;

Amendment 1250
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

Proposal for a regulation
Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission
Amendment

(i) the targeted search for specific potential victims of crime, including missing children;
Amendment 1251
Rob Rooko
on behalf of the ECR Group

Proposal for a regulation
Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission  Amendment

(i) the targeted search for specific deleted
potential victims of crime, including missing children;

Or. en

Amendment 1252
Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López

Proposal for a regulation
Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission  Amendment

(i) the targeted search for specific deleted
potential victims of crime, including missing children;

Or. en

Amendment 1253
Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugaru, Dragoș Pișlaru, Sophia in 't Veld, Lucia Ŏuriš Nicholsonová, Irena Joveva, Karen Melchior, Svenja Hahn, Róża Thun und Hohenstein, Alin Mituța

Proposal for a regulation
Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission  Amendment

(i) the targeted search for specific deleted
potential victims of crime, including missing children;

Or. en
Amendment 1254
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Karen Melchior, Vlad-Marius Botoş, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlani, Sophia in ’t Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission

(i) the targeted search for specific potential victims of crime, including missing children;

Amendment

(i) the targeted search for specific potential victims of crime;

Or. en

Amendment 1255
Kosma Złotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation
Article 5 – paragraph 1 – point d – point i

Text proposed by the Commission

(i) the targeted search for specific potential victims of crime, including missing children;

Amendment

(i) the targeted search for specific potential victims of crime;

Or. en

Amendment 1256
Jorge Buxadé Villalba

Proposal for a regulation
Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission

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

Amendment

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

Or. es
Amendment 1257
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 1258
Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation
Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 1259
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission

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

Amendment

deleted
a terrorist attack;

Amendment 1260
Svenja Hahn, Dragoș Tudorache, Nicola Beer, Karen Melchior, Vlad-Marius Botoș, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlani, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission
Amendment

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

Amendment 1261
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

Proposal for a regulation
Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission
Amendment

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

Amendment 1262
Rob Rooker
on behalf of the ECR Group

Proposal for a regulation
Article 5 – paragraph 1 – point d – point ii

Or. en
Text proposed by the Commission

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

Amendment

Or. en

Amendment 1263
Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Sophia in 't Veld, Lucia Ŕuriš Nicholsonová, Irena Joveva, Karen Melchior, Svenja Hahn, Róża Thun und Hohenstein, Alin Mituța

Proposal for a regulation
Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission

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

Amendment

Or. en

Amendment 1264
Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation
Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission

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

Amendment

Or. en

Amendment 1265
Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López
Proposal for a regulation
Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1266
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1267
Alessandra Basso, Marco Campomenosi, Isabella Tovaglieri, Mara Bizzotto, Silvia Sardone, Annalisa Tardino

Proposal for a regulation
Article 5 – paragraph 1 – point d – point ii

Text proposed by the Commission

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

Amendment

(ii) the prevention of a threat to the life or physical safety of natural persons or of a terrorist attack;

Or. en
Amendment 1268
Jorge Buxadé Villalba

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

Text proposed by the Commission

(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA\(^2\) and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.


Amendment 1269
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

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

Text proposed by the Commission

(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA\(^2\) and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.

Amendment 1270  
Rob Rooken  
on behalf of the ECR Group  

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

Text proposed by the Commission

(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.

Amendment

deleted


Or. en

Amendment 1271  
Kosma Złotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan  

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

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36/194  
AM\1257726EN.docx
(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.


Amendment 1273
Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragos Pislaru, Sophia in 't Veld, Lucia Ďuriš Nicholsonová, Irena Joveva, Karen Melchior, Svenja Hahn, Alin Mituța

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

Text proposed by the Commission

Amendment

(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA62 and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.


Amendment 1274
Svenja Hahn, Dragoș Tudorache, Nicola Beer, Karen Melchior, Vlad-Marius Botoş, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlanì, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

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

Text proposed by the Commission

Amendment
(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.

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Amendment 1275

Vincenzo Sofo, Kosma Złotowski

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

Text proposed by the Commission

Amendment

(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.

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Amendment 1276
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission

(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.

Amendment

Or. en

Amendment 1277
Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López

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

Text proposed by the Commission

(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.

Amendment

sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.

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Amendment 1278
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission Amendment

(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA62 and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.

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Amendment 1279
Kim Van Sparrentak, Sergey Lagodinsky on behalf of the Verts/ALE Group
(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA\(^{62}\) and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.

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Or. en

Amendment 1280
Axel Voss, Deirdre Clune

(iii) the localisation or identification of a natural person for the purpose of conducting a criminal investigation, prosecution or executing a criminal penalty for offences referred to in Article 2(2) of Council Framework Decision 2002/584/JHA\(^{62}\) and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, or other specific offences punishable in the Member State concerned by a custodial
sentence or a detention order for a maximum period of at least five years as determined by the law of that Member State.


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Or. en

Amendment 1281
Jean-Lin Lacapelle, Markus Buchheit, Hélène Laporte

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

Text proposed by the Commission

(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, as determined by the law of that Member State.

Amendment

(iii) the detection, localisation, identification or prosecution of a perpetrator or suspect of a criminal offence punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least ten years, as determined by the law of that Member State.


Or. fr

Amendment 1282
Kosma Złotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

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

Text proposed by the Commission

(iii a) searching for missing persons, especially those who are minors or have medical conditions that affect memory, communication, or independent decision-making skills;

Or. en

Amendment 1283
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission

(d a) the placing on the market, putting into service or use of:

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

(ii) AI systems intended to be used for the purpose of assessing students in educational and vocational training institutions.

(iii) AI systems intended to be used for recruitment or selection of natural persons, notably for advertising vacancies, screening or filtering applications, evaluating candidates in the course of interviews or tests;

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

(v) AI systems intended to be used by public authorities, private entities or on their behalf to evaluate the eligibility of
natural persons for public assistance benefits and services, essential private services, as well as to grant, reduce, revoke, or reclaim such benefits and services;

(vi) AI systems intended to be used to evaluate the creditworthiness of natural persons or establish their credit score, with the exception of AI systems put into service by small scale providers for their own use;

(vii) AI systems intended to be used by competent authorities for migration, asylum and border control management to assess a risk, including a security risk, a risk of irregular immigration, or a health risk, posed by a natural person who intends to enter or has entered into the territory of a Member State;

(viii) AI systems intended to be used by public authorities, including competent authorities for migration, asylum and border control management, as polygraphs and similar tools or to detect the emotional state of a natural person;

Or. en

Amendment 1284
Maria-Manuel Leitão-Marques, Eva Kaili

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

Text proposed by the Commission

Amendment

(d a) the placing on the market, putting into service, or use of an AI system for the specific technical processing of brain or brain-generated data in order to access, infer, influence, or manipulate a person's thoughts, emotions, memories, intentions, beliefs, or other mental states against that person's will or in a manner that causes or is likely to cause that person or another person physical or psychological harm.
Amendment 1285
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission

(d a) AI systems intended to be used by law enforcement authorities for making individual risk assessments of natural persons in order to assess the risk of a natural person for offending or reoffending or the risk for potential victims of criminal offences;

Amendment

Or. en

Amendment 1286
Svenja Hahn, Nicola Beer, Moritz Körner, Jan-Christoph Oetjen, Karen Melchior, Morten Løkkegaard, Vlad-Marius Botoș, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlani, Sophia in 't Veld

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

Text proposed by the Commission

(d a) the use of an AI system for the general monitoring, detection and interpretation of private content in interpersonal communication services, including all measures that would undermine end-to-end encryption..

Amendment

Or. en

Justification

Fundamental rights in the digital sphere have to be guaranteed to the same extent as in the offline world. The right to privacy needs to be ensured, amongst others through end-to-end encryption in private online communication and the protection of private content against any kind of general or targeted surveillance, be it by public or private actors. Therefore, the use of AI systems violating the right to privacy in online communication services shall be
prohibited.

Amendment 1287
Sophia in 't Veld, Michal Šimečka, Róża Thun und Hohenstein

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

Text proposed by the Commission

<table>
<thead>
<tr>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(d a) The creation or expansion of facial recognition or other biometric databases through the untargeted scraping of biometric data from social media profiles or CCTV footage or equivalent methods;</td>
</tr>
</tbody>
</table>

Amendment 1288
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Marina Kaljurand, Paul Tang, Maria Grapini, Brando Benifei

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

Text proposed by the Commission

<table>
<thead>
<tr>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(d a) The creation or expansion of biometric databases through the untargeted or generalised scraping of biometric data from social media profiles or CCTV footage, or equivalent methods;</td>
</tr>
</tbody>
</table>

Amendment 1289
Kim Van Sparrentak, Sergey Lagodinsky on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 5 – paragraph 1 – point d a (new)
Amendment 1290
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

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

Text proposed by the Commission

(d a) The development, placing on the market, putting into service, deployment or use of biometric categorisation systems;

Or. en

Amendment 1291
Rob Rooken
on behalf of the ECR Group

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

Text proposed by the Commission

(d a) The use of predictive, profiling and risk assessment AI systems in law enforcement and criminal justice;

Or. en

Amendment 1292
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

Proposal for a regulation
Article 5 – paragraph 1 – point d b (new)
(d b) The use of predictive, profiling and risk assessment AI system by or on behalf of competent authorities in migration, asylum or border control management, to profile an individual or assess a risk, including a security risk, a risk of irregular immigration, or a health risk, posed by a natural person who intends to enter or has entered the territory of a Member State, on the basis of personal or sensitive data, known or predicted, except for the sole purpose of identifying specific care and support needs;

Or. en

Amendment 1293
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

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

(d b) the placing on the market, putting into service or use of AI systems to infer emotions of a natural person, except for health or research purposes or other exceptional purposes, and subject to full regulatory review and with full and informed consent at all times.

Or. en

Amendment 1294
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

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

(d b) AI systems intended to be used by
law enforcement authorities or other competent public authorities as polygraphs and similar tools or to detect the emotional state of a natural person;

Or. en

Amendment 1295
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä, Marcel Kolaja, Patrick Breyer

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

Text proposed by the Commission

(d b) the placing on the market, putting into service, deployment or use of emotion recognition systems other than for the personal use of natural persons as an assistive technology;

Or. en

Amendment 1296
Sophia in 't Veld, Michal Šimečka, Róża Thun und Hohenstein

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

Text proposed by the Commission

(d b) The use of private facial recognition or other private biometric databases for the purpose of law enforcement

Or. en

Amendment 1297
Rob Rookman
on behalf of the ECR Group
Proposal for a regulation
Article 5 – paragraph 1 – point d b (new)

Text proposed by the Commission

(d b) The placing on the market, putting into service or use of ‘emotion recognition systems’;

Or. en

Amendment 1298
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Paul Tang, Maria Grapini

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

Text proposed by the Commission

(d b) the use of remote biometric categorisation systems in publicly accessible spaces;

Or. en

Amendment 1299
Sophia in 't Veld, Michal Šimečka, Róža Thun und Hohenstein

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

Text proposed by the Commission

(d c) The placing on the market, putting into service or use of 'emotion recognition systems', unless for health purposes, which would be considered high risk. Emotion recognition systems for health purposes shall be limited to their intended purpose, subject to all applicable data protection conditions and limits, and:

(i) undergo strict testing to ensure scientific and clinical validity;

(ii) contain clear advice to anyone that may procure or use them about the
limitations of such technologies and their potential risks, including of flawed or potentially harmful outcomes;

(iii) be developed with the active participation and input of the groups they are intended to benefit, as well as those with expertise in the range of fundamental rights that could be deliberately or inadvertently impacted;

(iv) be developed and deployed in a manner that respects the rights of all persons likely to be affected by them;

(v) be subject to an opinion of the Health Security Committee and the Fundamental Rights Agency.

Amendment 1300
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

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

Text proposed by the Commission

(d c) the placing on the market, putting into service or use of biometric categorisation systems, or other AI systems, that categorise natural persons according to sensitive or protected attributes or characteristics, or infer those attributes or characteristics. Sensitive attributes or characteristics include, but are not limited to:

(i) Gender & gender identity
(ii) Race
(iii) Ethnic origin
(iv) Migration or citizenship status
(v) Political orientation
(vi) Sexual orientation
(vii) Religion
(viii) Disability
(ix) Or any other grounds on which discrimination is prohibited under Article 21 of the EU Charter of Fundamental Rights as well as under Article 9 of the Regulation (EU) 2016/679;

Amendment 1301
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission
(d c) the use of AI systems by or on behalf of competent authorities in migration, asylum or border control management, to profile an individual or assess a risk, including a security risk, a risk of irregular immigration, or a health risk, posed by a natural person who intends to enter or has entered the territory of a Member State, on the basis of personal or sensitive data, known or predicted, except for the sole purpose of identifying specific care and support needs;

Amendment 1302
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission
(d c) AI systems intended to be used by law enforcement authorities for predicting the occurrence or reoccurrence of an actual or potential criminal offence based on profiling of natural persons as referred
to in Article 3(4) of Directive (EU) 2016/680 or assessing personality traits and characteristics or past criminal behaviour of natural persons, groups, or locations;

Or. en

Amendment 1303
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

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

Text proposed by the Commission

(d c) the placing on the market, putting into service, or use of AI systems by law enforcement authorities or by competent authorities in migration, asylum and border control management, such as polygraphs and similar tools to detect deception, trustworthiness or related characteristics;

Amendment

Or. en

Amendment 1304
Kim Van Sparrentak, Sergey Lagodinsky on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

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

Text proposed by the Commission

(d c) the development, placing on the market, putting into service, deployment or use of AI systems for automated monitoring and analysis of human behaviour in publicly accessible spaces, including online;

Amendment

Or. en
Amendment 1305
Rob Rooken
on behalf of the ECR Group

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

Text proposed by the Commission

Amendment

(d c) The use of biometric categorisation systems;

Or. en

Amendment 1306
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

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

Text proposed by the Commission

Amendment

(d d) the development, placing on the market, putting into service, deployment or use of an AI system that can reasonably foreseeably be used for constant monitoring of an individual’s behaviour to identify, predict or deter rule-breaking or fraud in a relationship of power, such as at work or in education, in particular where this constant monitoring has potential punitive or detrimental consequences for individuals;

Or. en

Amendment 1307
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Marina Kaljurand, Maria Grapini

Proposal for a regulation
Article 5 – paragraph 1 – point d d (new)
(d d) the placing on the market, putting into service or use of an AI system for making predictions, profiles or risk assessments based on data analysis or profiling of natural persons, groups or locations, for the purpose of predicting the occurrence or reoccurrence of an actual or potential criminal offence(s) or other criminalised social behaviour;

Or. en

Amendment 1308
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

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

Text proposed by the Commission

(d d) the use of AI systems by or on behalf of competent authorities in migration, asylum and border control management, to forecast or predict individual or collective movement for the purpose of, or in any way reasonably foreseeably leading to, the interdicting, curtailing or preventing migration or border crossings;

Or. en

Amendment 1309
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission

(d d) The creation or expansion of facial recognition or other biometric databases through the untargeted or
generalised scraping of biometric data from social media profiles or closed circuit television (CCTV) footage, or equivalent methods;

Or. en

Amendment 1310
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission

(d d) AI systems intended to be used by law enforcement authorities for profiling of natural persons as referred to in Article 3(4) of Directive (EU) 2016/680 in the course of detection, investigation or prosecution of criminal offences;

Or. en

Amendment 1311
Sophia in 't Veld, Michal Šimečka, Róża Thun und Hohenstein

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

Text proposed by the Commission

(d d) AI systems intended to be used by law enforcement authorities as polygraphs and similar tools or to detect the emotional state of a natural person;

Or. en

Amendment 1312
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 5 – paragraph 1 – point d d (new)
Text proposed by the Commission

**Amendment**

**(d d)** The use of private facial recognition or other private biometric databases for the purpose of law enforcement;

Or. en

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**Amendment 1313**
Sophia in 't Veld, Michal Šimečka

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

Text proposed by the Commission

**Amendment**

**(d e)** The placing on the market, putting into service or use of AI systems including, but not limited to polygraphs and similar tools to detect deception, trustworthiness or related characteristics, by or on behalf of competent authorities in migration, asylum or border control management, to profile an individual or assess a risk, including a security risk, a risk of irregular immigration, or a health risk, posed by a natural person who intends to enter or has entered the territory of a Member state, on the basis of personal or sensitive data, known or predicted, except for the sole purpose of identifying specific care and support needs;

Or. en

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**Amendment 1314**
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission

**Amendment**
AI systems intended to be used for crime analytics regarding natural persons, allowing law enforcement authorities to search complex related and unrelated large data sets available in different data sources or in different data formats in order to identify unknown patterns or discover hidden relationships in the data.

Amendment 1315
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

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

Text proposed by the Commission

(d e) the placing on the market, putting into service, deployment or use of recommender systems aimed at generating interaction that systematically suggest disinformation or illegal content;

Amendment

Or. en

Amendment 1316
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Paul Tang, Maria Grapini, Brando Benifei

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

Text proposed by the Commission

(d e) the use of private facial recognition or other private biometric databases for the purpose of law enforcement;

Amendment

Or. en
Amendment 1317
Sophia in ’t Veld, Michal Šimečka, Róža Thun und Hohenstein

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

Text proposed by the Commission

(d f) the placing on the market, putting into service or use of AI systems that use physiological, behavioural or biometric data to infer attributes or characteristics of persons or groups which are not solely determined by such data or are not externally observable or whose complexity is not possible to fully capture in data, including but not limited to gender, race, colour, ethnic or social origin, as well as political or sexual orientation, or other grounds for discrimination prohibited under Article 21 of the Charter.

Amendment 1318
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Tineke Strik, Alexandra Geese, Alviina Alametsä, Marcel Kolaja, Patrick Breyer

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

Text proposed by the Commission

(d f) the use of AI systems by law enforcement authorities, criminal justice authorities, migration, asylum and border-control authorities, or other public authorities to make predictions, profiles or risk assessments based on data analysis or profiling of natural persons as referred to in Article 3(4) of Directive EU 2016/680, groups or locations, for the purpose of predicting the occurrence or recurrence of an actual or potential criminal offence(s) or other offences, or
Amendment 1319
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Marina Kaljurand, Paul Tang, Maria Grapini, Brando Benifei

Proposal for a regulation
Article 5 – paragraph 1 – point d f (new)
Text proposed by the Commission Amendment
(d f) the placing on the market, putting into service, or use of AI systems that are aimed at automating judicial or similarly intrusive binding decisions by state actors;

Or. en

Amendment 1320
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 5 – paragraph 1 – point d f (new)
Text proposed by the Commission Amendment
(d f) The use of remote biometric identification in migration management, border surveillance and humanitarian aid.

Or. en

Amendment 1321
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 5 – paragraph 1 – point d f (new)
Text proposed by the Commission Amendment
(d f) the placing on the market, putting
Proposal for a regulation
Article 5 – paragraph 1 – point d g (new)

**Text proposed by the Commission**

(d g) the placing on the market, putting into service or the use of AI systems by or on behalf of competent authorities in migration, asylum or border control management, to profile an individual or assess a risk, including a security risk, a risk of irregular immigration, or a health risk, posed by a natural person who intends to enter or has entered the territory of a Member State, on the basis of personal or sensitive data, known or predicted, except for the sole purpose of identifying specific care and support needs;

**Amendment**

Or. en

**Amendment 1322**
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Marina Kaljurand, Maria Grapini

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

**Text proposed by the Commission**

(d g) the placing on the market, putting into service or the use of AI systems by or on behalf of competent authorities in migration, asylum or border control management, to profile an individual or assess a risk, including a security risk, a risk of irregular immigration, or a health risk, posed by a natural person who intends to enter or has entered the territory of a Member State, on the basis of personal or sensitive data, known or predicted, except for the sole purpose of identifying specific care and support needs;

**Amendment**

Or. en

**Amendment 1323**
Kim Van Sparrentak, Sergey Lagodinsky on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä, Tineke Strik, Marcel Kolaja, Patrick Breyer

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

**Text proposed by the Commission**

(d g) the use of AI systems by or on behalf of competent authorities, or third parties acting on their behalf, in migration, asylum or border control management, to profile an individual or
assess a risk, including a security risk, a risk of irregular immigration, or a health risk, posed by a natural person on the basis of personal or sensitive data, known or predicted, except for the sole purpose of identifying specific care and support needs;

Or. en

Amendment 1324
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission

Amendment

(d g) the use of AI systems, by or on behalf of competent authorities in migration, asylum and border control management, to forecast or predict individual or collective movement for the purpose of, or in any way reasonably foreseeable leading to, the interdicting, curtailing or preventing migration or border crossings;

Or. en

Amendment 1325
Sophia in 't Veld, Michal Šimečka, Róża Thun und Hohenstein

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

Text proposed by the Commission

Amendment

(d g) AI systems intended to be used by public authorities or on behalf of public authorities to evaluate the eligibility of natural persons for public assistance benefits and services, as well as to grant, reduce, revoke, or reclaim such benefits and services;
Amendment 1326
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission

(d g) the use of biometric categorisation systems in publicly-accessible spaces, workplaces (including in hiring processes), and educational settings;

Amendment

Or. en

Amendment 1327
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission

(d h) the placing on the market, putting into service or use of biometric categorisation systems, or other AI systems, that categorise natural persons according to sensitive or protected attributes or characteristics, or infer those attributes or characteristics, including:

- Sex
- Gender & gender identity
- Race
- Ethnic origin
- Membership of a national minority
- Migration or citizenship status
- Political orientation
- Social origin or class
- Language or dialect
- Trade union membership

Amendment

Or. en
Sexual orientation
Religion or philosophical orientation
Disability
Or any other grounds on which discrimination is prohibited under Article 21 of the EU Charter of Fundamental Rights as well as under Article 9 of the General Data Protection Regulation

Amendment 1328
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

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

Text proposed by the Commission

\[(d \ h) \ \text{the placing on the market, putting into service or the use of AI systems, by or on behalf of competent authorities in migration, asylum and border control management, to forecast or predict individual or collective movement for the purpose of, or in any way reasonably foreseeably leading to, the prohibiting, curtailing or preventing migration or border crossings;}\]

Amendment

Or. en

Amendment 1329
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä, Tineke Strik, Marcel Kolaja, Patrick Breyer

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

Text proposed by the Commission

\[(d \ h) \ \text{the placing on the market, putting into service, or use of AI systems by law}\]

Amendment
enforcement authorities, or by competent authorities in migration, asylum and border control management, as polygraphs and similar tools to detect deception, trustworthiness or related characteristics

Amendment 1330
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission

(d h) The use of private facial recognition or other private biometric databases for the purpose of law enforcement;

Amendment

Or. en

Amendment 1331
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission

(d i) the use of AI systems by law enforcement authorities, criminal justice authorities, or other public authorities in conjunction with law enforcement and criminal justice authorities, to make predictions, profiles or risk assessments based on data analysis or profiling of natural persons [as referred to in Article 3(4) of Directive EU)2016/680], groups or locations, for the purpose of predicting the occurrence or reoccurrence of an actual or potential criminal offence(s) or other criminalised social behaviour.”
Amendment 1332
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

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

*Text proposed by the Commission*

(d i) the placing on the market, putting into service or the use of AI systems intended to assist competent authorities for the examination of application for asylum, visa and residence permits and associated complaints with regard to the eligibility of the natural persons applying for a status;

*Amendment*

Or. en

Amendment 1333
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

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

*Text proposed by the Commission*

(d i) The creation or expansion of facial recognition or other biometric databases through the untargeted or generalised scraping of biometric data from social media profiles or CCTV footage, or equivalent methods;

*Amendment*

Or. en

Amendment 1334
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä, Marcel Kolaja, Patrick Breyer
Proposal for a regulation
Article 5 – paragraph 1 – point d i (new)

Text proposed by the Commission

(d i) The development of private facial recognition or other private biometric databases and the use of such databases for the purpose of law enforcement;

Or. en

Amendment 1335
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission

(d j) the use of AI systems, by or on behalf of competent authorities in migration, asylum and border control management, to forecast or predict individual or collective movement for the purpose of, or in any way reasonably foreseeably leading to, the interdicting, curtailing or preventing migration or border crossings;

Or. en

Amendment 1336
Kim Van Sparrentak, Sergey Lagodinsky on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä, Marcel Kolaja, Patrick Breyer

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

Text proposed by the Commission

(d j) The creation or expansion of facial recognition or other biometric databases through the untargeted or generalised scraping of biometric data
from social media profiles or CCTV footage, or equivalent methods;

Amendment 1337
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission

Amendment

(d j) the placing on the market, putting into service or use of ‘emotion recognition systems’;

Amendment 1338
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission

Amendment

(d k) The use of AI systems by law enforcement and criminal justice authorities to make predictions, profiles or risk assessments for the purpose of predicting crime.

Amendment 1339
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission

Amendment

(d k) the use of biometric categorisation
systems in publicly-accessible spaces, workplaces (including in hiring processes), and educational settings;

Amendment 1340
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä, Tineke Strik, Marcel Kolaja, Patrick Breyer

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

Text proposed by the Commission
(d k) The use of remote biometric identification for the purpose of migration management, border surveillance and humanitarian aid;

Amendment

Or. en

Amendment 1341
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission
(d l) the placing on the market, putting into service or use of:
(i) AI systems intended to be used for the purpose of determining access or assigning natural persons to educational and vocational training institutions;
(ii) AI systems intended to be used for the purpose of assessing students in educational and vocational training institutions.
(iii) AI systems intended to be used for recruitment or selection of natural persons, notably for advertising vacancies, screening or filtering
applications, evaluating candidates in the course of interviews or tests;

(iv) AI systems intended to be used for making decisions on promotion and termination of work-related contractual relationships, for task allocation and for monitoring and evaluating performance and behaviour of persons in such relationships;

(v) AI systems intended to be used by public authorities, private entities or on their behalf to evaluate the eligibility of natural persons for public assistance benefits and services, essential private services, as well as to grant, reduce, revoke, or reclaim such benefits and services;

(vi) AI systems intended to be used to evaluate the creditworthiness of natural persons or establish their credit score;

Amendment 1342
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä, Marcel Kolaja, Patrick Breyer

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

Text proposed by the Commission

(d l) the use of AI systems for indiscriminate surveillance applied in a generalised manner to a large number of natural persons without differentiation;

Amendment

Or. en

Amendment 1343
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä, Marcel Kolaja, Patrick Breyer
Proposal for a regulation
Article 5 – paragraph 1 – point d m (new)

Text proposed by the Commission

(\textit{d m}) The collection or generation of data for practices and AI systems listed in paragraphs -1 and 1 shall also be prohibited throughout their lifecycle, including training, validation and testing;

Or. en

Amendment 1344
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä, Marcel Kolaja, Patrick Breyer

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

Text proposed by the Commission

(\textit{d n}) The placing on the market, putting into use or deployment of AI systems built on, designed, trained, validated or tested with data that was collected, processed or generated illegally;

Or. en

Amendment 1345
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä, Marcel Kolaja, Patrick Breyer

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

Text proposed by the Commission

(\textit{d o}) The Union shall not fund research into and development of AI systems which are likely to be used for indiscriminate surveillance of publicly accessible spaces applied in a generalised manner to a large
number of natural persons without differentiation.

Amendment 1346
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä, Marcel Kolaja, Patrick Breyer

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

Text proposed by the Commission

1 a. In Accordance with Article 73, the Commission is empowered to amend paragraph 1 of this Article by means of a delegated act by adding systems that adversely affect, or are likely to adversely affect, the essence of fundamental rights. In doing so the Commission shall consult civil society and human rights experts annually to reflect state-of-the-art knowledge regarding the potential impacts of technology on fundamental rights.

Amendment 1347
René Repasi, Marc Angel, Andreas Schieder, Paul Tang, Maria-Manuel Leitão-Marques

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

Text proposed by the Commission

1 a. the placing on the market, putting into service or use of an AI system that analyses and understands human non-verbal signs such as facial expressions, body language, gestures and voice tones to assess their emotional state or perform biometric categorisation.
Amendment 1348
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoş Pîslaru, Sophia in 't Veld, Irena Joveva, Karen Melchior, Svenja Hahn, Alin Mituța

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

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

(a) the nature of the situation giving rise to the possible use, in particular the seriousness, probability and scale of the harm caused in the absence of the use of the system;

(b) the consequences of the use of the system for the rights and freedoms of all persons concerned, in particular the seriousness, probability and scale of those consequences.

In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use, in particular as regards the temporal, geographic and personal limitations.

Amendment 1349
Kim Van Sparrentak, Sergey Lagodinsky on behalf of the Verts/ALE Group
Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

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

(a) the nature of the situation giving rise to the possible use, in particular the seriousness, probability and scale of the harm caused in the absence of the use of the system;

(b) the consequences of the use of the system for the rights and freedoms of all persons concerned, in particular the seriousness, probability and scale of those consequences.

In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use, in particular as regards the temporal, geographic and personal limitations.

Amendment 1350
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Paul Tang

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission
2. The use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall take into account the following elements:

(a) the nature of the situation giving rise to the possible use, in particular the seriousness, probability and scale of the harm caused in the absence of the use of the system;

(b) the consequences of the use of the system for the rights and freedoms of all persons concerned, in particular the seriousness, probability and scale of those consequences.

In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use, in particular as regards the temporal, geographic and personal limitations.

Amendment 1351
Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Paul Tang, René Repasi, Birgit Sippel, Maria Grapini

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

Amendment
(a) the nature of the situation giving rise to the possible use, in particular the seriousness, probability and scale of the harm caused in the absence of the use of the system;

(b) the consequences of the use of the system for the rights and freedoms of all persons concerned, in particular the seriousness, probability and scale of those consequences.

In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use, in particular as regards the temporal, geographic and personal limitations.

Amendment 1352
Rob Rookens
Proposal for a regulation
Article 5 – paragraph 2

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

(a) the nature of the situation giving rise to the possible use, in particular the seriousness, probability and scale of the harm caused in the absence of the use of the system;

(b) the consequences of the use of the system for the rights and freedoms of all persons concerned, in particular the
In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use, in particular as regards the temporal, geographic and personal limitations.

Amendment 1353
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission  
Amendment

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

(a) the nature of the situation giving rise to the possible use, in particular the seriousness, probability and scale of the harm caused in the absence of the use of the system;

(b) the consequences of the use of the system for the rights and freedoms of all persons concerned, in particular the seriousness, probability and scale of those consequences.

In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and
Amendment 1354
Svenja Hahn, Dragoș Tudorache, Nicola Beer, Karen Melchior, Róża Thun und Hohenstein, Vlad-Marius Botoș, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlani, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

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

(a) the nature of the situation giving rise to the possible use, in particular the seriousness, probability and scale of the harm caused in the absence of the use of the system;

(b) the consequences of the use of the system for the rights and freedoms of all persons concerned, in particular the seriousness, probability and scale of those consequences.

In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use, in particular as regards the temporal, geographic and personal limitations.
Amendment 1355
Jörgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

<table>
<thead>
<tr>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. The use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall take into account the following elements:</td>
</tr>
<tr>
<td>(a) the nature of the situation giving rise to the possible use, in particular the seriousness, probability and scale of the harm caused in the absence of the use of the system;</td>
</tr>
<tr>
<td>(b) the consequences of the use of the system for the rights and freedoms of all persons concerned, in particular the seriousness, probability and scale of those consequences.</td>
</tr>
<tr>
<td>In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use, in particular as regards the temporal, geographic and personal limitations.</td>
</tr>
</tbody>
</table>

Justification

Instead of blanketly banning the law enforcement's use of facial recognition AI, these systems should be incorporated in the list of high-risk AI systems and subject to strict control. Such modern AI software can process information and images at lightning speed and with great precision - tasks that would take days for a human law enforcement agent to go through. Also with much less risk of bias, when the programs are diligently designed. Using such technology can help law enforcement not only prevent crimes, but also react rapidly when they occur, and provide a very powerful tool to investigate serious crimes.
Amendment 1356
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Karen Melchior, Róża Thun und Hohenstein, Vlad-Marius Botoş, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlani, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Article 5 – paragraph 2 – point a

Text proposed by the Commission

(a) the nature of the situation giving rise to the possible use, in particular the seriousness, probability and scale of the harm caused in the absence of the use of the system; deleted

Amendment 1357
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Sophia in 't Veld, Lucia Ďuriš Nicholsonová, Irena Joveva, Karen Melchior, Svenja Hahn, Alin Mituţa

Proposal for a regulation
Article 5 – paragraph 2 – point a

Text proposed by the Commission

(a) the nature of the situation giving rise to the possible use, in particular the seriousness, probability and scale of the harm caused in the absence of the use of the system; deleted

Or. en

Amendment 1358
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Karen Melchior, Róża Thun und Hohenstein, Vlad-Marius Botoş, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlani, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Article 5 – paragraph 2 – point b
Text proposed by the Commission

(b) the consequences of the use of the system for the rights and freedoms of all persons concerned, in particular the seriousness, probability and scale of those consequences.

Amendment

Amendment 1359
Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Sophia in 't Veld, Lucia Ďuriš Nicholsonová, Irena Joveva, Karen Melchior, Svenja Hahn, Alin Mituța

Proposal for a regulation
Article 5 – paragraph 2 – point b

Text proposed by the Commission

(b) the consequences of the use of the system for the rights and freedoms of all persons concerned, in particular the seriousness, probability and scale of those consequences.

Amendment

Or. en

Amendment 1360
Vincenzo Sofo, Kosma Złotowski

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

Text proposed by the Commission

(b a) the full respect of fundamental rights and freedoms in conformity with Union values, the Universal Declaration of Human Rights, the European Convention of Human Rights and the Charter of Fundamental Rights of the EU.

Amendment

Or. en
Amendment 1361
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Karen Melchior, Róża Thun und Hohenstein, Vlad-Marius Botoş, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlani, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use, in particular as regards the temporal, geographic and personal limitations.

deleted

Or. en

Amendment 1362
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoş Pîslaru, Sophia in 't Veld, Irena Joveva, Karen Melchior, Svenja Hahn, Alin Mituţa

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use, in particular as regards the temporal, geographic and personal limitations.

deleted

Or. en
Amendment 1363
Jorge Buxadé Villalba

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission

In addition, the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use, in particular as regards the temporal, geographic and personal limitations.

Amendment

In addition, the use of ‘real-time’ or ‘post’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement for any of the objectives referred to in paragraph 1 point d) shall comply with necessary and proportionate safeguards and conditions in relation to the use.

Justification

By limiting their use to border control and counter-terrorism, there is no need to limit their use personally, geographically or temporally.

Amendment 1364
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pislaru, Sophia in 't Veld, Irena Joveva, Karen Melchior, Svenja Hahn, Alin Mituţa

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4.

Amendment

deleted
However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use. 

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.
The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Justification

Instead of blanketly banning the law enforcement’s use of facial recognition AI, these systems should be incorporated in the list of high-risk AI systems and subject to strict control. Such modern AI software can process information and images at lightning speed and with great precision - tasks that would take days for a human law enforcement agent to go through. Also with much less risk of bias, when the programs are diligently designed. Using such technology can help law enforcement not only prevent crimes, but also react rapidly when they occur, and provide a very powerful tool to investigate serious crimes.

Amendment 1366
Kim Van Sparrentak, Sergey Lagodinsky on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of

Amendment

deleted
national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use.

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Amendment 1367
Svenja Hahn, Dragoș Tudorache, Nicola Beer, Karen Melchior, Róża Thun und Hohenstein, Vlad-Marius Botoş, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlani, Sophia in ’t Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be
commenced without an authorisation and the authorisation may be requested only during or after the use.

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Amendment 1368
Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Paul Tang, René Repasi, Birgit Sippel, Maria Grapini

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use.

The competent judicial or administrative
authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Amendment 1369
Rob Rooken

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use.

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification
system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Amendment 1370
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Paul Tang

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use.

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In
deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Amendment 1371
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use.

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.
Amendment 1372
Jorge Buxadé Villalba

Proposal for a regulation
Article 5 – paragraph 3 – introductory part

Text proposed by the Commission

3. As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use.

Amendment

3. As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ or ‘post’ remote biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use. If the prior justification does not comply with the principles of necessity and proportionality, the results obtained by the use of this technology may not be used for law enforcement purposes.

Or. es

Amendment 1373
Axel Voss, Deirdre Clune

Proposal for a regulation
Article 5 – paragraph 3 – introductory part

Text proposed by the Commission

3. As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote

Amendment

3. As regards paragraphs 1, point (d) and 2, each use for the purpose of law enforcement of a ‘real-time’ remote
biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use.

Amendment 1374
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 5 – paragraph 3 – introductory part

Text proposed by the Commission

3. As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote biometric identification system in publicly accessible spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use.

Amendment

3. As regards paragraphs 1, point (d) and 2, each individual use for the purpose of law enforcement of a ‘real-time’ remote biometric identification system in publicly accessible or online spaces shall be subject to a prior authorisation granted by a judicial authority or by an independent administrative authority of the Member State in which the use is to take place, issued upon a reasoned request and in accordance with the detailed rules of national law referred to in paragraph 4. However, in a duly justified situation of urgency, the use of the system may be commenced without an authorisation and the authorisation may be requested only during or after the use.
Amendment 1375
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Karen Melchior, Róża Thun und Hohenstein, Vlad-Marius Botoş, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahlani, Sophia in ’t Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Amendment

deleted

Or. en

Amendment 1376
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoş Pîslaru, Sophia in 't Veld, Irena Joveva, Karen Melchior, Svenja Hahn, Alin Mituța

Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent
judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Amendment 1377
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Amendment 1378
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to
it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Amendment 1379
Jorge Buxadé Villalba

Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Amendment

The competent judicial or administrative authority shall only grant the authorisation where it is satisfied, based on objective evidence or clear indications presented to it, that the use of the ‘real-time’ or ‘post’ remote biometric identification system at issue is necessary for and proportionate to achieving one of the objectives specified in paragraph 1, point (d), as identified in the request. In deciding on the request, the competent judicial or administrative authority shall take into account the elements referred to in paragraph 2.

Amendment 1380
Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Paul Tang, René Repasi, Birgit Sippel, Maria Grapini, Maria-Manuel Leitão-Marques, Marc Angel, Christel Schaldemose
Proposal for a regulation

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

Text proposed by the Commission

(1) The placing on the market, putting into service or use of biometric categorisation systems, or other AI systems, that categorise natural persons or groups of persons according to sensitive or protected attributes or characteristics, or infer those attributes or characteristics. Sensitive attributes or characteristics include, but are not limited to: gender and gender identity, race, ethnic origin, migration or citizenship status, political orientation, sexual orientation, religion, disability or any other grounds on which discrimination is prohibited under Article 21 of the EU Charter of Fundamental Rights as well as under Article 9 of the Regulation (EU) 2016/679.

Amendment

Amendment 1381
Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănăță, Ramona Strugariu, Dragoș Pîslaru, Sophia in 't Veld, Irena Joveva, Karen Melchior, Svenja Hahn, Alin Mituța

Proposal for a regulation

Article 5 – paragraph 4

Text proposed by the Commission

4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as
supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.

Amendment 1382
Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, Paul Tang, René Repasi, Birgit Sippel, Maria Grapini

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.
Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission  
Amendment

4. **A Member State may decide to**  
deleted
provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.

Or. en

**Justification**

Instead of blanketly banning the law enforcement's use of facial recognition AI, these systems should be incorporated in the list of high-risk AI systems and subject to strict control. Such modern AI software can process information and images at lightning speed and with great precision - tasks that would take days for a human law enforcement agent to go through. Also with much less risk of bias, when the programs are diligently designed. Using such technology can help law enforcement not only prevent crimes, but also react rapidly when they occur, and provide a very powerful tool to investigate serious crimes.

Amendment 1384
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission  
Amendment

4. **A Member State may decide to**  
deleted
provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.

Amendment 1385
Rob Rooken

Proposal for a regulation
Article 5 – paragraph 4

4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be
authorised to use those systems for the purpose of law enforcement.

Or. en

Amendment 1386
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Paul Tang

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission Amendment

4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.

Or. en

Amendment 1387
Svenja Hahn, Dragoș Tudorache, Nicola Beer, Róža Thun und Hohenstein, Vlad-Marius Botoș, Samira Rafaela, Monica Semedo, Salima Yenbou, Abir Al-Sahli, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Article 5 – paragraph 4
4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.

Amendment 1388
Kim Van Sparrentak, Sergey Lagodinsky on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules
shall also specify in respect of which of
the objectives listed in paragraph 1, point
(d), including which of the criminal
offences referred to in point (iii) thereof,
the competent authorities may be
authorised to use those systems for the
purpose of law enforcement.

Amendment 1389
Vincenzo Sofo, Kosma Złotowski

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

4. A Member State may decide to
provide for the possibility to fully or
partially authorise the use of ‘real-time’
remote biometric identification systems in
publicly accessible spaces for the purpose
of law enforcement within the limits and
under the conditions listed in paragraphs 1,
point (d), 2 and 3. That Member State shall
lay down in its national law the necessary
detailed rules for the request, issuance and
exercise of, as well as supervision relating
to, the authorisations referred to in
paragraph 3. Those rules shall also specify
in respect of which of the objectives listed
in paragraph 1, point (d), including which
of the criminal offences referred to in point
(iii) thereof, the competent authorities may
be authorised to use those systems for the
purpose of law enforcement.

4. A Member State may decide to
provide for the possibility to fully or
partially authorise the use of ‘real-time’
remote biometric identification systems in
publicly accessible spaces for the purpose
of law enforcement within the limits and
under the conditions listed in paragraphs 1,
point (d), 2 and 3. That Member State shall
lay down in its national law the necessary
detailed rules for the request, issuance and
exercise of, as well as supervision relating
to, the authorisations referred to in
paragraph 3. Those rules shall fully comply
with EU values, the Universal Declaration
of Human Rights, the European
Convention of Human Rights and the
Charter of Fundamental Rights of the EU
and shall specify in respect of which of the
objectives listed in paragraph 1, point (d),
including which of the criminal offences
referred to in point (iii) thereof, the
competent authorities may be authorised to
use those systems for the purpose of law
enforcement.

Amendment 1390
Jorge Buxadé Villalba

Proposal for a regulation
Article 5 – paragraph 4

**Text proposed by the Commission**

4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.

**Amendment**

4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ or ‘post’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d) the competent authorities may be authorised to use those systems for the purpose of law enforcement.

**Amendment 1391**

Axel Voss, Deirdre Clune

Proposal for a regulation
Article 5 – paragraph 4

**Text proposed by the Commission**

4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.

**Amendment**

4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ or ‘post’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d) the competent authorities may be authorised to use those systems for the purpose of law enforcement.
exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.

Amendment 1392
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.

Amendment

4. A Member State may decide to provide for the possibility to fully or partially authorise the use of ‘real-time’ remote biometric identification systems in publicly accessible or online spaces for the purpose of law enforcement within the limits and under the conditions listed in paragraphs 1, point (d), 2 and 3. That Member State shall lay down in its national law the necessary detailed rules for the request, issuance and exercise of, as well as supervision relating to, the authorisations referred to in paragraph 3. Those rules shall also specify in respect of which of the objectives listed in paragraph 1, point (d), including which of the criminal offences referred to in point (iii) thereof, the competent authorities may be authorised to use those systems for the purpose of law enforcement.

Amendment 1393
Pernando Barrena Arza, Cornelia Ernst
Proposal for a regulation
Article 5 – paragraph 4 a (new)

Text proposed by the Commission

4 a. When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on worker’s rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall seek and take into account the opinion of social partners.

Amendment

4 a. This Article shall not affect the restrictions, prohibitions or enforcement that apply where an artificial intelligence practice infringes another EU law, including EU acquis on data protection, privacy, or the confidentiality of communications, on non discrimination, consumer protection or on competition.

Amendment 1394
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Amendment 1395
Brando Benifei, 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, Christel Schaldemose
4 a. The placing on the market, putting into service or use of AI systems intended to be used as polygraphs, emotion recognition systems or similar tools to detect the emotional state, trustworthiness or related characteristics of a natural person.

Or. en

Justification

Emotion recognition systems hold a particularly high risk of discrimination and lack scientific accuracy. They should therefore be prohibited.

Amendment 1396
René Repasi, Marc Angel, Andreas Schieder, Maria-Manuel Leitão-Marques

Proposal for a regulation
Article 5 – paragraph 4 a (new)

4 a. In order to increase public transparency and oversight every decision about the deployment or marketing of any AI system that is categorised as posing an unacceptable risk shall be made public.

Or. en

Amendment 1397
Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation
Article 5 – paragraph 4 b (new)

4 b. Member States may, by law or collective agreement, decide to prohibit or to limit the use of AI systems or provide more specific provisions for this purpose to ensure the protection of the rights of
workers in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, equality and diversity in the workplace, health and safety at work, protection of employer’s or customer’s property and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.

Or. en

Amendment 1398
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 4 b (new)

Text proposed by the Commission

4 b. Member States may, by law or collective agreements, decide to prohibit or to limit the use of AI systems to ensure the protection of the rights of workers in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge obligations laid down by law or by collective agreements, management, planning and organization of work, equality and diversity at the workplace, health and safety at work, protection of employers or customers' property and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.
relationship.

Or. en

Amendment 1399
Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel, Christel Schaldemose

Proposal for a regulation
Article 5 – paragraph 4 c (new)

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<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<td>4 c. the placing on the market, putting into service or the use of AI systems by or on behalf of competent authorities in migration, asylum or border control management, to profile an individual or assess a risk, including a security risk, a risk of irregular immigration, or a health risk, posed by a natural person who intends to enter or has entered the territory of a Member State, on the basis of personal or sensitive data, known or predicted, except for the sole purpose of identifying specific care and support needs;</td>
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Or. en

Amendment 1400
Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel, Christel Schaldemose

Proposal for a regulation
Article 5 – paragraph 4 d (new)

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<th>Text proposed by the Commission</th>
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<td>4 d. the placing on the market, putting into service or use of AI systems by competent authorities or on their behalf in migration, asylum and border control management, to forecast or predict</td>
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individual or collective movement for the purpose of, or in any way reasonably foreseeably leading to, the prohibiting, curtailing or preventing migration or border crossings;

Amendment 1401
Brando Benifei, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, Maria Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel, Christel Schaldemose

Proposal for a regulation
Article 5 – paragraph 4 e (new)

Text proposed by the Commission

4 e. the placing on the market, putting into service or the use of AI systems intended to assist competent authorities for the examination of application for asylum, visa and residence permits and associated complaints with regard to the eligibility of the natural persons applying for a status;

Amendment 1402
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 4 f (new)

Text proposed by the Commission

4 f. the placing on the market, putting into service, or use of an AI system for the specific technical processing of brain or brain-generated data in order to access, infer, influence, or manipulate a person’s thoughts, emotions, memories, intentions, beliefs, or other mental states against that
person's will or in a manner that causes or is likely to cause that person or another person physical or psychological harm;

Or. en

Amendment 1403
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

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 right 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 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 1404
Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list of prohibited artificial intelligence practices referred to in Article 5 by adding AI systems that pose an unacceptable risk of harm to health and safety, or an unacceptable risk of adverse impact on fundamental rights.

2. When assessing for the purposes of paragraph 1 whether an AI system poses an unacceptable risk of harm to health and safety, or an unacceptable risk of adverse impact on fundamental rights, the Commission shall take into account the following non-cumulative criteria:

   a) the extent to which the intended purpose of the AI system, or the reasonably foreseeable consequences of its use, conflict with the essence of the rights and freedoms established by the
Charter, such that these rights and freedoms would lose their value either for the rights holder or for society as a whole;

b) the extent to which the risks posed by an AI system cannot be sufficiently mitigated, including by the obligations imposed upon high-risk AI systems under this Regulation;

c) the extent to which an AI system violates human dignity;

d) the extent to which the use of an AI system has already caused harm to the health and safety of persons or disproportionate impact on their fundamental rights or has given rise to significant concerns in relation to the materialisation of such harm or disproportionate impact, as demonstrated by reports or documented allegations available to national competent authorities;

e) the potential extent of such harm or such disproportionate impact, in particular in terms of its intensity and its ability to affect a plurality of persons or to affect a particular group of persons disproportionately;

f) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced with an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;

g) the extent to which potentially harmed or adversely impacted persons are in a vulnerable position in relation to the user of an AI system, in particular due to an imbalance of power, knowledge, economic or social circumstances, accessibility barriers or age;

h) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the health or safety of persons or on their fundamental rights shall not
be considered as easily reversible;
i) the extent to which existing Union legislation lacks:

1) effective measures of redress in relation to the risks posed by an AI system, with the exclusion of claims for damages;

2) effective measures to prevent those risks.

Amendment 1405
Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák

Proposal for a regulation
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

Amendments to Article 5

The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list of AI systems and practices prohibited under Article 5 of the present regulation, according to the latest development in technology and to the assessment of increased or newly emerged risks to fundamental rights.

Amendment 1406
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 5 b (new)

Text proposed by the Commission

Amendment

Article 5 b

Delegated acts to update the list of
prohibited AI practices

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list of prohibited artificial intelligence practices referred to in Article 5 by adding AI systems that pose an unacceptable risk of harm to health and safety, or an unacceptable risk of adverse impact on fundamental rights.

2. When assessing for the purposes of paragraph 1 whether an AI system poses an unacceptable risk of harm to health and safety, or an unacceptable risk of adverse impact on fundamental rights, the Commission shall take into account the following non-cumulative criteria:

   a) the extent to which the intended purpose of the AI system, or the reasonably foreseeable consequences of its use, conflict with the essence of the rights and freedoms established by the Charter, such that these rights and freedoms would lose their value either for the rights holder or for society as a whole;

   b) the extent to which the risks posed by an AI system cannot be sufficiently mitigated, including by the obligations imposed upon high-risk AI systems under this Regulation;

   c) the extent to which an AI system violates human dignity;

   d) the extent to which the use of an AI system has already caused harm to the health and safety of persons or disproportionate impact on their fundamental rights or has given rise to significant concerns in relation to the materialisation of such harm or disproportionate impact, as demonstrated by reports or documented allegations available to national competent authorities;

   e) the potential extent of such harm or such disproportionate impact, in particular in terms of its intensity and its ability to affect a plurality of persons or to affect a particular group of persons.
disproportionately;

f) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced with an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;

g) the extent to which potentially harmed or adversely impacted persons are in a vulnerable position in relation to the user of an AI system, in particular due to an imbalance of power, knowledge, economic or social circumstances, accessibility barriers or age;

h) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the health or safety of persons or on their fundamental rights shall not be considered as easily reversible;

i) the extent to which existing Union legislation lacks: i) effective measures of redress in relation to the risks posed by an AI system, with the exclusion of claims for damages; ii) effective measures to prevent those risks.

Amendment 1407
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Title II a (new)

Text proposed by the Commission

Amendment

Horizontal Requirements for all AI systems
Title for a new Article - 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 right 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 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
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.

Amendment 1408
Geoffroy Didier

Proposal for a regulation
Title III
Text proposed by the Commission  
HIGH-RISK AI SYSTEMS  

Amendment  
HIGH-RISK USES OF AI SYSTEMS  

Or. en

Amendment 1409  
Geoffroy Didier

Proposal for a regulation  
Title III – Chapter 1 – title  

Text proposed by the Commission  
1 CLASSIFICATION OF AI SYSTEMS AS HIGH-RISK  

Amendment  
1 CLASSIFICATION OF AI SYSTEMS AS WITH HIGH-RISK USES  

Or. en

Amendment 1410  
Kim Van Sparrentak, Sergey Lagodinsky  
on behalf of the Verts/ALE Group  
Alexandra Geese, Alviina Alametsä

Proposal for a regulation  
Article 6 – title  

Text proposed by the Commission  
Classification rules for high-risk AI systems  

Amendment  
Classification rules for high-risk uses of AI systems  

Or. en

Amendment 1411  
Geoffroy Didier

Proposal for a regulation  
Article 6 – title  

Text proposed by the Commission  
Classification rules for high-risk AI systems  

Amendment  
Classification rules for high-risk uses of AI systems
Amendment 1412
Krzysztof Hetman, Adam Jarubas, Andrzej Halicki, Jerzy Buzek, Janusz Lewandowski, Radosław Sikorski

Proposal for a regulation
Article 6 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. The AI system shall be considered high-risk where it meets the following two cumulative criteria:

(a) the AI system is used or applied in a sector where, given the characteristics of the activities typically undertaken, significant risks of harm to the health and safety or a risk of adverse impact on fundamental rights of users, as outlined in Article 7(2) can be expected to occur.

(b) the AI system application in the sector in question is used in such a manner that significant risks of harm to the health and safety or a risk of adverse impact on fundamental rights of users, as outlined in Article 7(2) are likely to arise.

Amendment 1413
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 6 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. AI systems referred to in Annex III shall be considered high-risk for the purposes of this Regulation.
Amendment 1414  
Axel Voss, Deirdre Clune, Eva Maydell  
Proposal for a regulation  
Article 6 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. Irrespective of whether an AI system is placed on the market or put into service independently from the products referred to in points (a) and (b), that AI system shall be considered high-risk where both of the following conditions are fulfilled:

*Amendment*

1. An AI system *that is itself a product* shall be considered *as high risk AI system* if, under the applicable Union harmonisation legislation listed in Annex II, it is classified as high-risk AI system or an equivalent thereof and has to undergo a third-party conformity assessment for meeting essential safety requirements prior to placing it on the market or putting it into service.

An AI system intended to be used as a core and essential safety component of a product under the applicable Union harmonisation legislation listed in Annex II, shall be considered as high risk if such Union harmonisation legislation classifies it as high-risk or an equivalent thereof and requires it to undergo a third-party conformity assessment for meeting essential safety requirements with a view to placing it on the market or putting it into service.

*The high-risk classification set in paragraph 1 shall not impact or determine the outcome of other risk classification procedures established in Union harmonisation legislation listed in Annex II*

Or. en

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Amendment 1415  
Kim Van Sparrentak, Sergey Lagodinsky  
on behalf of the Verts/ALE Group  
Alexandra Geese, Alviina Alametsä  
Proposal for a regulation
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

1. Irrespective of whether an AI system is placed on the market or put into service independently from the products referred to in points (a) and (b), that AI system shall be considered high-risk where both of the following conditions are fulfilled:

Amendment

1. Irrespective of whether an AI system is placed on the market or put into service independently from the products referred to in point (a), that AI system shall be considered high-risk where:

Or. en

Amendment 1416
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

1. Irrespective of whether an AI system is placed on the market or put into service independently from the products referred to in points (a) and (b), that AI system shall be considered high-risk where both of the following conditions are fulfilled:

Amendment

1. Irrespective of whether an AI system is placed on the market or put into service independently from the products referred to in points (a) and (b), that AI system shall be considered high-risk where one of the following conditions are fulfilled:

Or. en

Amendment 1417
Axel Voss, Deirdre Clune, Eva Maydell

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

Text proposed by the Commission

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

Amendment

deleted
Amendment 1418
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

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

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

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

Amendment 1419
Alessandra Basso, Marco Campomenosi, Isabella Tovaglieri, Mara Bizzotto, Silvia Sardone, Annalisa Tardino

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

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

Amendment
(a) the AI system has a self-evolving behaviour, the failure of which results in an immediate hazardous condition in a specific domain, and is intended to be used as a safety component of a product, or is itself a product, covered by the Union harmonisation legislation listed in Annex II;

Amendment 1420
Sophia in 't Veld, Michal Šimečka, Róża Thun und Hohenstein

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1421
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission

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

Amendment

(a) the AI system is intended to be used as a component of a product, or is itself a product, the failure or malfunctioning of which endangers the health, safety or fundamental rights of persons;

Or. en

Amendment 1422
Andrea Caroppo, Salvatore De Meo

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

Text proposed by the Commission

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

Amendment

(a) the AI system is intended to be used as a safety component of a product, or is itself a product involving significant risks, covered by the Union harmonisation legislation listed in Annex II;
Proposal for a regulation
Article 6 – paragraph 1 – point a

**Text proposed by the Commission**

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

**Amendment**

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

Proposal for a regulation
Article 6 – paragraph 1 – point a a (new)

**Text proposed by the Commission**

(a a) its uses are undetermined or indeterminate;

**Amendment**

Proposal for a regulation
Article 6 – paragraph 1 – point a b (new)
(a b) in the course of the self-assessment pursuant to Article 6 a of this Regulation, the AI system or its operation is found to result in a high risk to the rights and freedoms of natural persons; or

Amendment 1426
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 6 – paragraph 1 – point a c (new)

 Text proposed by the Commission

(a c) it is listed in Annex III.

Or. en

Amendment 1427
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

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

 Text proposed by the Commission

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

Or. en
Amendment 1428  
Axel Voss, Deirdre Clune, Eva Maydell

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

Text proposed by the Commission

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

Amendment

Or. en

Amendment 1429  
Svenja Hahn, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

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

Text proposed by the Commission

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

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

Or. en
Amendment 1430  
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) the product whose safety component is the AI system, or the AI system itself as a product, is required to undergo a third-party conformity assessment with a view to the placing on the market or putting into service of that product pursuant to the Union harmonisation legislation listed in Annex II.</td>
<td>(b) the product whose safety component as meant under (a) is the AI system, or the AI system itself as a product, is required to undergo a third-party conformity assessment with a view to the placing on the market or putting into service or use of that product pursuant to the Union harmonisation legislation listed in Annex II.</td>
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Amendment 1431  
Kosma Złotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

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

<table>
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<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) the product whose safety component is the AI system, or the AI system itself as a product, is required to undergo a third-party conformity assessment with a view to the placing on the market or putting into service of that product pursuant to the Union harmonisation legislation listed in Annex II.</td>
<td>(b) the product whose safety component is the AI system, or the AI system itself as a product, is required to undergo a third-party conformity assessment related to safety with a view to the placing on the market or putting into service of that product pursuant to the Union harmonisation legislation listed in Annex II.</td>
</tr>
</tbody>
</table>

Amendment 1432  
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 6 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the AI system is used by a public authority.

Or. en

Amendment 1433
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 6 – paragraph 2

Text proposed by the Commission

Amendment

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

Or. en

Justification

moved up as new paragraph 1.

Amendment 1434
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems identified as posing a risk to fundamental human rights as defined in the EU Charter of Fundamental Rights, in relation to a specific intended use shall also be considered high-risk. Such risk is to be determined by completion of a Human Rights Impact Assessment by the
user of the AI in relation to the specific use intended for the AI system, with records of such assessment retained for regulatory inspection.

The provider shall apply a precautionary principle and, in case of uncertainty over the AI system's classification, shall consider the AI system high-risk.

Amendment 1435
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 6 – paragraph 2

Text proposed by the Commission

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

Amendment

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk, with the exception of those AI systems that are not safety components of a product and that fulfil both of the following conditions:

(a) they are not developed with and do not use biometric data, biometrics-based data, or personal data as inputs;

(b) they are not intended to influence decisions of natural persons or to make decisions or to assist in the making of decisions affecting natural persons.

Amendment 1436
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 6 – paragraph 2
2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk.

Amendment 1437
Svenja Hahn, Nicola Beer, Morten Løkkegaard, Vlad-Marius Botoş, Samira Rafaela, Monica Semedo, Salima Yenbou, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

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

Amendment

2. In addition to the high-risk AI systems referred to in paragraph 1, each AI system with an intended purpose - as specified in its instruction to use in accordance with Art 3(12) and Art 13(2) - that means that it will be deployed in a way that falls under one of the critical use cases referred to in Annex III shall also be considered high-risk if that AI system will make a final decision that puts significantly at risk the health, safety or fundamental rights of natural persons.

Or. en

Amendment 1438
Marion Walsmann

Proposal for a regulation
Article 6 – paragraph 2
2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk.

Amendment 1439
Geoffroy Didier

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

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

Amendment

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk, if they pose a risk of harm to the health and safety or a risk of adverse impact on fundamental rights.

Or. en

Justification

It is important to clarify that the classification of high-risk, also for those uses listed in Annex III, is linked clearly to the risk of harm to physical health and safety or to fundamental rights. This could usefully restrict applications that could be considered high-risk.

Amendment 1440
Nathalie Colin-Oesterlé

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

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

Amendment

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk, if they pose a risk of harm to either physical health and safety or fundamental human rights, or both.

Or. en
be considered high-risk. threat to the health, safety or fundamental rights of persons.

Amendment 1441
Kosma Złotowski, Eugen Jurzyca, Patryk Jaki, Vincenzo Sofo, Adam Bielan

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

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

Amendment

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk, if they pose a risk of harm to either physical health and safety or human rights, or both.

Or. en

Amendment 1442
Andrea Caroppo, Salvatore De Meo

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

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

Amendment

2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk when no internal risk-mitigation mechanisms embedded in the AI system apply.

Or. en

Amendment 1443
Krzysztof Hetman, Adam Jarubas, Andrzej Halicki, Jerzy Buzek, Janusz Lewandowski, Radosław Sikorski

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

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

Amendment

2. In addition to the high-risk AI systems referred to in paragraph 1 and in accordance with Article 6– paragraph -1a, AI systems referred to in Annex III shall also be considered high-risk.

Amendment 1444
Kosma Złotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation
Article 6 – paragraph 2 a (new)

Text proposed by the Commission

2 a. The classification as high-risk as a consequence of Article 6(1) and 6(2) shall be disregarded for AI systems whose intended purpose demonstrates that the generated output is a recommendation requiring a human intervention to convert this recommendation into a decision and for AI systems which do not lead to autonomous decisions or actions of the overall system.

Amendment

2 a. The assessment by the provider of whether an AI system puts at risk the health, safety or fundamental rights of natural persons shall also take into account the factors enumerated in Article
Amendment 1446
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 6 – paragraph 2 a (new)

Text proposed by the Commission
Amendment

2 a. The assessment referred to in paragraph 2 shall be conducted by the Commission annually and under the consultation conditions laid down in this regulation, notably in Article 73;

Or. en

Amendment 1447
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Marina Kaljurand, Maria Grapini

Proposal for a regulation
Article 6 – paragraph 2 a (new)

Text proposed by the Commission
Amendment

2 a. An artificial intelligence system with indeterminate uses shall also be considered high risk if so identified per Article 9, paragraph 2, point (a).

Or. en

Amendment 1448
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 6 – paragraph 2 a (new)
Text proposed by the Commission

Amendment 1449
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 6 – paragraph 2 b (new)

Text proposed by the Commission

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

Or. en

Amendment 1450
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 6 – paragraph 2 b (new)

Text proposed by the Commission

2 b. Where the Commission finds in the course of the assessment pursuant to paragraphs 1 and 2 that an AI system or an area of AI systems must be considered "high risk" or can not or no longer be considered “high risk”, including due to improvements in technology or to social or legal safeguards put in place, it is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding or removing AI systems and areas of AI systems.

Or. en
given Member States’ population as active monthly users, or whose users have cumulatively over 20 million customers or beneficiaries in the EU affected by it shall be considered high-risk, unless these are placed onto the market.

Amendment 1451
Kosma Złotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation
Article 6 – paragraph 2 b (new)

Text proposed by the Commission

2 b. When assessing an AI system for the purposes of paragraph 1 of Article 6, a safety component shall be assessed against the essential health and safety requirements of the relevant EU harmonisation legislation listed in Annex II.

Amendment

2 b. In addition to the high-risk AI systems referred to in paragraph 1 and paragraph 2, AI systems that create foreseeable high-risks when combined shall also be considered high-risk.

Amendment 1452
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Marina Kaljurand, Maria Grapini, Brando Benifei

Proposal for a regulation
Article 6 – paragraph 2 b (new)

Text proposed by the Commission

2 b. When assessing an AI system for the purposes of paragraph 1 of Article 6, a safety component shall be assessed against the essential health and safety requirements of the relevant EU harmonisation legislation listed in Annex II.

Amendment

2 b. In addition to the high-risk AI systems referred to in paragraph 1 and paragraph 2, AI systems that create foreseeable high-risks when combined shall also be considered high-risk.
Amendment 1453
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 6 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2 c. In addition to the high-risk AI systems referred to in paragraph 1, AI systems affecting employees in the employment relationship or in matters of training or further education shall be considered high risk.

Or. en

Amendment 1454
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 6 – paragraph 2 d (new)

Text proposed by the Commission

Amendment

2 d. In addition to the high-risk AI systems referred to in paragraph 1, AI systems likely to interact with children shall be considered high-risk.

Or. en

Amendment 1455
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 6 – paragraph 2 e (new)

Text proposed by the Commission

Amendment

2 e. In addition to the high-risk AI systems referred to in paragraph 1, an artificial intelligence system with indeterminate uses shall also be considered high risk.
Amendment 1456
Svenja Hahn, Nicola Beer, Morten Løkkegaard, Vlad-Marius Botoș, Catharina Rinzema, Samira Rafaela, Monica Semedo, Salima Yenbou, Sophia in 't Veld, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation
Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6 a

Risk assessment

1. In order to determine the level of risk of AI systems, the provider of an AI system with an intended purpose in the areas referred to in Annex III has to conduct a risk assessment.

2. The risk assessment has to contain the following elements:
   a) name all possible harms to life, health and safety or fundamental rights of potentially impacted persons or entities or society at large;
   b) assess the likelihood and severity these harms might materialise;
   c) name the potential benefits of such system for the potentially impacted persons and society at large;
   d) name possible and taken measures to address, prevent, minimise or mitigate the identified harms with a high probability to materialise;
   e) assess the possibilities to reverse these negative outcome;
   f) the extent to which decision-making of the system is autonomous and outside of human influence.

3. If the risk assessment showed a significant harm is likely to materialise the provider has to comply with Chapter 2 in a way that is appropriate and
proportionate to the identified risks.

Justification

To determine whether or not an AI system is to be considered high-risk, a use-case specific risk assessment that contains all relevant aspects should be conducted. An operation in one of the areas listed in Annex III alone is not sufficient to determine the risk level of an AI system. Only when the sector as well as the intended use of the AI system involves significant risks, the AI system shall be considered as high risk. The amendments to Art. 6 and the new Art. 6a make sure that only those AI systems are categorized as “high risk” that fulfil clear and transparent criteria.

Amendment 1457
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6 a

Preliminary self-assessment

1. Before the conformity assessment procedure foreseen in Articles 43 for high-risk AI systems and 51a for other than high-risk AI system, the provider of the AI system shall carry out a preliminary self-assessment to determine whether:

(a) the intended purpose, potential use, or reasonably foreseeable misuse of the AI system constitute a prohibited practice pursuant to Article 5; or

(b) the AI system is classified as ‘high-risk’ pursuant to Article 6.

2. The provider of the AI system shall keep a detailed record, including all relevant documentation, of that self-assessment at the disposal of the national competent authorities during the lifespan of the AI system concerned.
3. Where the preliminary self-assessment indicates non-compliance of the AI system with this Regulation, in particular due to it falling within the scope of Article 5, the provider shall, without delay, take measures to ensure compliance of the concerned AI system with this Regulation, or immediately desist from placing it on the market.

Amendment 1458
Sophia in 't Veld, Michal Šimečka

Proposal for a regulation
Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6 a
Risk assessment
The European Artificial Intelligence Board shall develop guidance for the risk assessment.

Justification

This provision should be seen as an addition to the Renew Europe IMCO shadow's amendment on a risk assessment to determine the level of risk of AI systems.

Amendment 1459
Jörgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation
Article 7

Text proposed by the Commission

Amendment

[...]
deleted

Or. en
To create legal certainty for AI developers, it is important that the high-risk areas of application are clearly laid down and cannot be changed quickly and dramatically by means of delegated acts. All additions to the list of high risk AI systems should be subject to Parliament's approval.

Amendment 1460
Jörgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled:

(a) the AI systems are intended to be used in any of the areas listed in points 1 to 8 of Annex III;

(b) the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III.

Or. en

Justification

To create legal certainty for AI developers, it is important that the high-risk areas of application are clearly laid down and cannot be changed quickly and dramatically by means of delegated acts. All additions to the list of high risk AI systems should be subject to Parliament's approval.

Amendment 1461
Kateřina Konecná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled:

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where the following condition is fulfilled: the AI systems pose a risk of harm to health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity or probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact associated with the high-risk AI systems already referred to in Annex III. Where an AI system is not intended to be used in any of the areas listed in points 1 to 8 of Annex III, the Commission is empowered to update the list of areas in Annex III by including new areas or extending the scope of existing areas.

Or. en

Amendment 1462
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 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled:

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update Annex III, including by adding new areas of high-risk AI systems, where a type of AI system poses a risk of harm to the health and safety, a risk of adverse impact on fundamental rights, on climate change mitigation and adaptation, the environment, or a risk of contravention of the Union values enshrined in Article 2 TEU, and that risk is, in respect of its severity and probability
of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems in use in the areas listed in Annex III.

Amendment 1463
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission
1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled:

Amendment
1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update or amend the list in Annex III by adding areas of high-risk AI systems where the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, a risk of breach of the Union values enshrined in Article 2 TEU or a risk of adverse impact on the society and the environment.

Amendment 1464
Kim Van Sparrentak, Sergey Lagodinsky on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission
1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled:

Amendment
1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled and areas of high-risk systems that pose a risk

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of harm to health and safety, or a risk of adverse impact on fundamental rights, environment, society, rule of law or democracy, a risk of economic harm or to consumer protection that is, in respect of its severity or probability of occurrence;

Amendment 1465
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled:

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list set out in Annex III by adding fields of high-risk AI systems where they present a risk of harm to health and safety or a risk of a negative impact on fundamental rights which, taking into account its severity and likelihood of occurrence, is equivalent to or higher than the risk of harm or negative impact of high-risk AI systems already listed in Annex III.

Amendment 1466
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Catharina Rinzema, Samira Rafaela, Monica Semedo, Salima Yenbou, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 73, after an adequate and
adding *high-risk AI systems where* both of the following conditions are fulfilled:

*transparent consultation process involving the relevant stakeholders,* to update the list in Annex III by *withdrawing areas from that list or by* adding *critical areas. For additions* both of the following conditions need to be fulfilled:

**Amendment 1467**  
*Axel Voss, Deirdre Clune, Eva Maydell*  

**Proposal for a regulation**  
**Article 7 – paragraph 1 – introductory part**  

*Text proposed by the Commission*  
1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled:

*Amendment*  
1. The Commission is empowered to adopt delegated acts in accordance with Article 73, *after ensuring adequate consultation with relevant stakeholders,* to update the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled:

**Amendment 1468**  
*Salima Yenbou, Samira Rafaela, Monica Semedo, Karen Melchior, Peter Pollák*  

**Proposal for a regulation**  
**Article 7 – paragraph 1 – introductory part**  

*Text proposed by the Commission*  
1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled:

*Amendment*  
1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding *new area headings and* high-risk AI systems where both of the following conditions are fulfilled:
Amendment 1469
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled:

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems.

Or. en

Amendment 1470
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled:

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where either of the following conditions is fulfilled:

Or. en

Amendment 1471
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation
Article 7 – paragraph 1 – point a

Text proposed by the Commission

(a) the AI systems are intended to be used in any of the areas listed in points 1 to 8 of Annex III;

Amendment

deleted

Or. fr
Justification

This qualification limits the areas in which an AI system is likely to present risks and should therefore be removed in order not to presume that new technologies will in the future pose risks in these areas only and not in others.

Amendment 1472
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 7 – paragraph 1 – point a

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) the AI systems are intended to be used in any of the areas listed in points 1 to 8 of Annex III;</td>
<td>deleted</td>
</tr>
</tbody>
</table>

Or. en

Amendment 1473
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 7 – paragraph 1 – point a

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) the AI systems are intended to be used in any of the areas listed in points 1 to 8 of Annex III;</td>
<td>deleted</td>
</tr>
</tbody>
</table>

Or. en

Amendment 1474
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 7 – paragraph 1 – point a
(a) the AI systems are intended to be used in any of the areas listed in points 1 to 8 of Annex III;
(b) the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III.

Or. fr

Justification

Since subparagraph (a) is deleted, the existence of a subparagraph (b) is no longer justified, and the text is directly incorporated into the body of the paragraph.

Amendment 1478
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 7 – paragraph 1 – point b

(b) the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III.

Or. en

Amendment 1479
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Article 7 – paragraph 1 – point b

(b) the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III.
(b) the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III.
(b) the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III.

Amendment 1482
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 7 – paragraph 1 – point b

Text proposed by the Commission

(b) the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III.

Amendment

(b) the AI systems pose a risk of economic harm, negative societal impacts or harm to the environment, health and safety, or a risk of adverse impact on fundamental rights, democracy and the rule of law, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III.

Amendment 1483
Kosma Złotowski, Patryk Jaki, Vincenzo Sofo, Adam Bielan

Proposal for a regulation
Article 7 – paragraph 1 – point b

Text proposed by the Commission

(b) the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed

Amendment

(b) the AI systems pose a risk of harm to the health, natural environment and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of
by the high-risk AI systems already referred to in Annex III. harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III.

Amendment 1484
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 7 – paragraph 1 – point b

Text proposed by the Commission

(b) the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III.

(b) the AI systems pose a serious risk of harm to the health and safety, or a serious risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact.

Amendment 1485
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

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

(b a) the AI systems pose a risk of harm to occupational health and safety, including psychosocial risks.

Amendment 1486
Jörgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation
Article 7 – paragraph 2
2. When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall take into account the following criteria:

(a) the intended purpose of the AI system;
(b) the extent to which an AI system has been used or is likely to be used;
(c) the extent to which the use of an AI system has already caused harm to the health and safety or adverse impact on the fundamental rights or has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or documented allegations submitted to national competent authorities;
(d) the potential extent of such harm or such adverse impact, in particular in terms of its intensity and its ability to affect a plurality of persons;
(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced with an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;
(f) the extent to which potentially harmed or adversely impacted persons are in a vulnerable position in relation to the user of an AI system, in particular due to an imbalance of power, knowledge, economic or social circumstances, or age;
(g) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the health or safety of persons shall not be considered as easily
reversible;

(h) the extent to which existing Union legislation provides for:

(i) effective measures of redress in relation to the risks posed by an AI system, with the exclusion of claims for damages;

(ii) effective measures to prevent or substantially minimise those risks.

Or. en

Justification

To create legal certainty for AI developers, it is important that the high-risk areas of application are clearly laid down and cannot be changed quickly and dramatically by means of delegated acts. All additions to the list of high risk AI systems should be subject to Parliament's approval.

Amendment 1487
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation
Article 7 – paragraph 2 – introductory part

2. When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall take into account the following criteria:

Or. fr

Amendment 1488
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation
Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall take into account the following criteria:

Amendment

2. When assessing for the purposes of paragraph 1, the Commission shall take into account the following criteria:

Amendment 1489
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall take into account the following criteria:

Amendment

2. When assessing for the purposes of paragraph 1 the Commission shall take into account the following non-cumulative criteria:

Amendment 1490
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall take into account the following criteria:

Amendment

2. When assessing for the purposes of paragraph 1 the Commission shall take into account the following criteria:
2. When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall take into account the following criteria:

2. When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights or on the environment, democracy and rule of law that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall consult social partners and civil society and take into account, including but not limited to, the following non-cumulative criteria:

**Amendment 1491**
Sophia in 't Veld, Michal Šimečka

Proposal for a regulation
Article 7 – paragraph 2 – introductory part

*Text proposed by the Commission*

2. When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall take into account the following criteria:

2. When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall consult social partners and civil society and take into account, including but not limited to, the following non-cumulative criteria:

**Amendment 1492**
Kosma Złotowski, Patryk Jaki, Vincenzo Sofo, Adam Bielan

Proposal for a regulation
Article 7 – paragraph 2 – introductory part

*Text proposed by the Commission*

2. When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall take into account the following criteria:

2. When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall consult social partners and civil society and take into account, including but not limited to, the following non-cumulative criteria:
risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall take into account the following criteria:

**Amendment 1493**
Alessandra Basso, Marco Campomenosi, Isabella Tovaglieri, Mara Bizzotto, Silvia Sardone, Annalisa Tardino

Proposal for a regulation
Article 7 – paragraph 2 – point a

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) the intended purpose of the AI system;</td>
<td>(a) <em>a description of the AI system, including</em> the intended purpose, <em>the concrete use and context, complexity and autonomy</em> of the AI system, <em>the potential persons impacted, the extent to which the AI system has been used or is likely to be used, the extent to which any outcomes produced are subject to human review or intervention</em>;</td>
</tr>
</tbody>
</table>

**Amendment 1494**
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 7 – paragraph 2 – point a

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) the intended purpose of the AI system;</td>
<td>(a) the intended purpose of the AI system, <em>or the reasonably foreseeable consequences of its use</em>;</td>
</tr>
</tbody>
</table>

Or. en
Amendment 1495  
Kim Van Sparrentak, Sergey Lagodinsky  
on behalf of the Verts/ALE Group  
Alexandra Geese, Alviina Alametsä

Proposal for a regulation  
Article 7 – paragraph 2 – point a

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) the intended purpose of the AI system;</td>
<td>(a) the intended purpose of the AI system, potential use, or reasonably foreseeable misuse;</td>
</tr>
</tbody>
</table>

Or. en

Amendment 1496  
Sophia in 't Veld, Michal Šimečka

Proposal for a regulation  
Article 7 – paragraph 2 – point a

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) the intended purpose of the AI system;</td>
<td>(a) the intended purpose or the reasonably foreseeable use of the AI system;</td>
</tr>
</tbody>
</table>

Or. en

Justification

This amendment applies throughout the entire text. "or the reasonably foreseeable use" should be consistently added after "the intended purpose"

Amendment 1497  
Axel Voss, Deirdre Clune, Eva Maydell

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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a a) the general capabilities and functionalities of the AI system</td>
<td></td>
</tr>
</tbody>
</table>

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independent of its intended purpose;

Amendment 1498
Alessandra Basso, Marco Campomenosi, Isabella Tovaglieri, Mara Bizzotto, Silvia Sardone, Annalisa Tardino

Proposal for a regulation
Article 7 – paragraph 2 – point b

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) the extent to which an AI system has been used or is likely to be used;</td>
<td>(b) an assessment of the potential benefits provided by the use of the AI system, as well as reticence risk and/or opportunity costs of not using the AI for individuals, groups of individuals, or society at large. This includes weighing the benefits of deploying the AI system against keeping the status quo;</td>
</tr>
</tbody>
</table>

Or. en

Amendment 1499
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Article 7 – paragraph 2 – point b

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) the extent to which an AI system has been used or is likely to be used;</td>
<td>(b) the extent to which an AI system has been used or is likely to be used, including its reasonably foreseeable misuse;</td>
</tr>
</tbody>
</table>

Or. en

Amendment 1500
Vincenzo Sofo, Kosma Złotowski

Proposal for a regulation
Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) the extent to which an AI system has been used or is likely to be used;

Amendment

(b) the extent to which an AI system has been used or is likely to be used and misused;

Or. en

Amendment 1501
Axel Voss, Deirdre Clune, Eva Maydell

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

Text proposed by the Commission

('b a) the extent to which the AI system acts with a certain level of autonomy;

Amendment

(‘b a) the type and nature of the data processed and used by the AI system;

Or. en

Amendment 1502
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini

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

Text proposed by the Commission

(‘b a) the extent to which the AI system acts with a certain level of autonomy;

Amendment

(‘b a) the type and nature of the data processed and used by the AI system;

Or. en

Amendment 1503
Svenja Hahn, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Samira Rafaela, Monica Semedo, Salima Yenbou, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation
Article 7 – paragraph 2 – point b a (new)
(b a) the extent to which the AI system acts autonomously;

Or. en

Amendment 1504
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Maria Grapini, Brando Benifei

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

(b b) the extent to which the AI system respects the principles of Article 4a;

Or. en

Amendment 1505
Alessandra Basso, Marco Campomenosi, Isabella Tovaglieri, Mara Bizzotto, Silvia Sardone, Annalisa Tardino

Proposal for a regulation
Article 7 – paragraph 2 – point c

(c) the extent to which the use of an AI system has already caused harm to the health and safety or adverse impact on the fundamental rights or has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or documented allegations submitted to national competent authorities;

(c) an assessment of the probability of worst-case scenario, likelihood and severity of harm, to the health and safety or fundamental rights of potentially impacted persons and its irreversibility, including:

(i) the extent to which the AI system has already been evaluated and proven to have caused material harm as demonstrated by studies or reports published by the national competent authorities;
(ii) the extent to which potentially impacted persons are dependent on the outcome produced from the AI system, in particular because of practical or legal reasons it is not reasonably possible to opt-out from that outcome;

(iii) the extent to which the outcome produced by the AI system is easily reversible;

(iv) the extent to which potentially impacted persons are in a vulnerable position in relation to the user of the AI system, in particular due to an imbalance of power, knowledge, economic or social circumstances, or age.

Amendment 1506
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Article 7 – paragraph 2 – point c

Text proposed by the Commission

<table>
<thead>
<tr>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(c) the extent to which the use of an AI system has already caused harm to the health and safety or adverse impact on the fundamental rights or has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or documented allegations submitted to national competent authorities;</td>
</tr>
<tr>
<td>(c) the extent to which the use of an AI system has already caused harm to natural persons, has breached the Union values enshrined in Article 2 TEU, has caused harm to the health and safety or has had an adverse impact on the fundamental rights, on the environment or the society or has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or documented allegations submitted to the national supervisory authority, to the national competent authorities, to the Commission, to the Board, to the EDPS or to the European Union Agency for Fundamental Rights (FRA);</td>
</tr>
</tbody>
</table>
Amendment 1507
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 7 – paragraph 2 – point c

**Text proposed by the Commission**

(c) the extent to which the use of an AI system has already caused harm to the health and safety or adverse impact on the fundamental rights or has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or documented allegations submitted to national competent authorities;

**Amendment**

(c) the extent to which the use of an AI system has already caused harm to natural persons, has contravened the Union values enshrined in Article 2 TEU, has caused harm to the health and safety or has had an adverse impact on the fundamental rights, on the environment or society, or has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or documented allegations submitted to national competent authorities, to the Commission, to the Board, to the EDPS or to the European Union Agency for Fundamental Rights (FRA);

Amendment 1508
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 7 – paragraph 2 – point c

**Text proposed by the Commission**

(c) the extent to which the use of an AI system has already caused harm to the health and safety or adverse impact on the fundamental rights or has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or

**Amendment**

(c) the extent to which the use of an AI system has already caused harm to the health and safety or adversely impacted fundamental rights, environment, society, rule of law or democracy, consumer protection or caused economic harm or has given rise to reasonable concerns in
documented allegations submitted to national competent authorities;

relation to the likelihood of such harm or adverse impact;

Amendment 1509
Kosma Złotowski, Patryk Jaki, Vincenzo Sofo, Adam Bielan

Proposal for a regulation
Article 7 – paragraph 2 – point c

Text proposed by the Commission

(c) the extent to which the use of an AI system has already caused harm to the health and safety or adverse impact on the fundamental rights or has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or documented allegations submitted to national competent authorities;

Amendment

(c) the extent to which the use of an AI system has already caused harm to the health, natural environment and safety or adverse impact on the fundamental rights or has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or documented allegations submitted to national competent authorities;

Or. en

Amendment 1510
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 7 – paragraph 2 – point c

Text proposed by the Commission

(c) the extent to which the use of an AI system has already caused harm to the health and safety or adverse impact on the fundamental rights or has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or documented allegations submitted to national competent authorities;

Amendment

(c) the extent to which the use of an AI system has already caused harm to the health and safety or adverse impact on the fundamental rights, democracy, rule of law and the environment has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by available reports or documented allegations;

Or. en
Amendment 1511
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(c a) the AI systems pose a risk of harm to occupational health and safety, including psychosocial risks and mental health;</td>
<td>Or. en</td>
</tr>
</tbody>
</table>

Amendment 1512
Alessandra Basso, Marco Campomenosi, Isabella Tovaglieri, Mara Bizzotto, Silvia Sardone, Annalisa Tardino

Proposal for a regulation
Article 7 – paragraph 2 – point d

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(d) the potential extent of such harm or such adverse impact, in particular in terms of its intensity and its ability to affect a plurality of persons;</td>
<td>(d) measures taken to address or mitigate the identified risks, including to the extent existing Union legislation provides for:</td>
</tr>
<tr>
<td></td>
<td>(i) effective measures of redress in relation to the risks posed by an AI system, with the exclusion of claims for damages;</td>
</tr>
<tr>
<td></td>
<td>(ii) effective measures to prevent or substantially minimise those risks.</td>
</tr>
<tr>
<td></td>
<td>Or. en</td>
</tr>
</tbody>
</table>

Amendment 1513
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 7 – paragraph 2 – point d

Text proposed by the Commission

(d) the potential extent of such harm or such adverse impact, in particular in terms of its intensity and its ability to affect a plurality of persons;

Amendment

(d) the potential extent of such harm or such adverse impact, in particular in terms of its intensity and its ability to affect a plurality of persons or on the environment or to affect a particular group of persons disproportionately;

Or. en

Amendment 1514
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 7 – paragraph 2 – point d

Text proposed by the Commission

(d) the potential extent of such harm or such adverse impact, in particular in terms of its intensity and its ability to affect a plurality of persons;

Amendment

(d) the potential extent of such harm or such adverse impact;

Or. en

Amendment 1515
Alessandra Basso, Marco Campomenosi, Isabella Tovaglieri, Mara Bizzotto, Silvia Sardone, Annalisa Tardino

Proposal for a regulation
Article 7 – paragraph 2 – point e

Text proposed by the Commission

(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced with an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;

Amendment

deleted

Or.
**Amendment 1516**  
Axel Voss, Deirdre Clune, Eva Maydell

**Proposal for a regulation**  
**Article 7 – paragraph 2 – point e**

*Text proposed by the Commission*

(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced with an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;

*Amendment*

(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced with an AI system *with a distinction to be made between an AI system used in an advisory capacity or one used directly to make a decision*, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;

---

**Amendment 1517**  
Pernando Barrena Arza, Cornelia Ernst

**Proposal for a regulation**  
**Article 7 – paragraph 2 – point e**

*Text proposed by the Commission*

(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced *with* an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out *from* that outcome;

*Amendment*

(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced *by a process involving* an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out *of* that outcome;

---

**Amendment 1518**  
Kim Van Sparrentak, Sergey Lagodinsky  
on behalf of the Verts/ALE Group  
Alexandra Geese, Alviina Alametsä
Proposal for a regulation
Article 7 – paragraph 2 – point e

Text proposed by the Commission

(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced with an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;

Amendment

(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced involving an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;

Or. en

Amendment 1519
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 7 – paragraph 2 – point e

Text proposed by the Commission

(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced with an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;

Amendment

(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced with an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;

Or. en

Amendment 1520
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Samira Rafaela, Monica Semedo, Salima Yenbou, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation
Article 7 – paragraph 2 – point e a (new)
(e a) the potential misuse and malicious use of the AI system and of the technology underpinning it;
Article 7 – paragraph 2 – point f

Text proposed by the Commission

(f) the extent to which potentially harmed or adversely impacted persons are in a vulnerable position in relation to the user of an AI system, in particular due to an imbalance of power, knowledge, economic or social circumstances, or age;

Amendment

(f) the extent to which there is an imbalance of power, or the potentially harmed or adversely impacted persons are in a vulnerable position in relation to the user of an AI system, in particular due to status, authority, knowledge, economic or social circumstances, or age;

Or. en

Amendment 1524
Alessandra Basso, Marco Campomenosi, Isabella Tovaglieri, Mara Bizzotto, Silvia Sardone, Annalisa Tardino

Proposal for a regulation
Article 7 – paragraph 2 – point g

Text proposed by the Commission

(g) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the health or safety of persons shall not be considered as easily reversible;

Amendment

(g) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the fundamental rights of persons, the environment or the society,

Or. en

Amendment 1525
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Article 7 – paragraph 2 – point g

Text proposed by the Commission

(g) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the health or safety of persons shall not be considered as easily reversible;

Amendment

(g) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the fundamental rights of persons, the environment or the society,
the health or safety of persons, or on the Union values enshrined in Article 2 TEU, shall not be considered as easily reversible;

Amendment 1526
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 7 – paragraph 2 – point g

Text proposed by the Commission
(g) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the health or safety of persons shall not be considered as easily reversible;

Amendment
(g) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the health or safety of persons, the fundamental rights of persons, the environment or society, or on the Union values enshrined in Article 2 TEU shall not be considered as easily reversible;

Amendment 1527
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 7 – paragraph 2 – point g

Text proposed by the Commission
(g) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the health or safety of persons shall not be considered as easily reversible;

Amendment
(g) the extent to which the outcome produced involving an AI system is easily reversible and can effectively be appealed by AI subjects. Outcomes having an impact on the fundamental rights or health or safety of persons shall not be considered as easily reversible;
### Amendment 1528
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

**Proposal for a regulation**

**Article 7 – paragraph 2 – point g**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(g) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the health or safety of persons shall not be considered as easily reversible;</td>
<td>(g) the extent to which the outcome produced with an AI system is <em>not</em> easily reversible, whereby outcomes having an impact on the health or safety of persons or <em>on their fundamental rights</em> shall not be considered as easily reversible;</td>
</tr>
</tbody>
</table>

Or. en

### Amendment 1529
Axel Voss, Deirdre Clune, Eva Maydell

**Proposal for a regulation**

**Article 7 – paragraph 2 – point g**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(g) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the health or safety of persons shall not be considered as easily reversible;</td>
<td>(g) the extent to which the outcome produced with an AI system is <em>not</em> easily reversible or remedied, whereby outcomes having an impact on the health or safety of persons shall not be considered as easily reversible;</td>
</tr>
</tbody>
</table>

Or. en

### Amendment 1530
Axel Voss, Deirdre Clune, Eva Maydell

**Proposal for a regulation**

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

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>(g a)</em> the extent of the availability and use of demonstrated technical solutions and mechanisms for the control,*</td>
<td><em>(g a)</em> the extent of the availability and use of demonstrated technical solutions and mechanisms for the control,*</td>
</tr>
</tbody>
</table>
reliability and corrigibility of the AI system;

Amendment 1531
Svenja Hahn, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoș, Samira Rafaela, Monica Semedo, Salima Yenbou, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

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

Text proposed by the Commission
(g a) magnitude and likelihood of benefit of the deployment of the AI system for individuals, groups, or society at large;

Amendment

Or. en

Amendment 1532
Axel Voss, Deirdre Clune, Eva Maydell

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

Text proposed by the Commission
(g b) the extent of human oversight and the possibility for a human to intercede in order to override a decision or recommendations that may lead to potential harm;

Amendment

Or. en

Amendment 1533
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 7 – paragraph 2 – point g c (new)
Text proposed by the Commission

Amendment

(g c) the magnitude and likelihood of benefit of the deployment of the AI system for industry, individuals, or society at large;

Or. en

Amendment 1534
Axel Voss, Deirdre Clune, Eva Maydell

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

Text proposed by the Commission

Amendment

(g d) the reticence risk and/or opportunity costs of not using the AI system for industry, individuals, or society at large;

Or. en

Amendment 1535
Axel Voss, Deirdre Clune, Eva Maydell

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

Text proposed by the Commission

Amendment

(g e) the amount and nature of data processed;

Or. en

Amendment 1536
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 7 – paragraph 2 – point g f (new)
Text proposed by the Commission

Amendment

(g f) the benefits provided by the use of the AI system, including making products safer;

Or. en

Amendment 1537
Alessandra Basso, Marco Campomenosi, Isabella Tovaglieri, Mara Bizzotto, Silvia Sardone, Annalisa Tardino

Proposal for a regulation
Article 7 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) the extent to which existing Union legislation provides for:

(i) effective measures of redress in relation to the risks posed by an AI system, with the exclusion of claims for damages;

(ii) effective measures to prevent or substantially minimise those risks.

Or. en

Amendment 1538
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Samira Rafaela, Monica Semedo, Salima Yenbou, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation
Article 7 – paragraph 2 – point h – introductory part

Text proposed by the Commission

Amendment

(h) the extent to which existing Union legislation provides for:

(h) the extent to which existing Union legislation, in particular the GDPR, provides for:

Or. en
Amendment 1539
Axel Voss, Deirdre Clune

Proposal for a regulation
Article 7 – paragraph 2 – point h – introductory part

Text proposed by the Commission

(h) the extent to which existing Union legislation provides for:

Amendment

(h) the extent to which existing Union legislation, in particular GDPR, provides for:

Or. en

Amendment 1540
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 7 – paragraph 2 – point h – introductory part

Text proposed by the Commission

(h) the extent to which existing Union legislation provides for:

Amendment

(h) the extent to which existing Union legislation lacks:

Or. en

Amendment 1541
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 7 – paragraph 2 – point h – point i

Text proposed by the Commission

(i) effective measures of redress in relation to the risks posed by an AI system, with the exclusion of claims for damages;

Amendment

(i) effective measures of redress, the availability of redress-by-design mechanisms and procedures in relation to the risks posed by an AI system, including claims for material and non-material damages;

Or. en
Amendment 1542
Kim Van Sparrentak, Sergey Lagodinsky
on behalf of the Verts/ALE Group
Alexandra Geese, Alviina Alametsä

Proposal for a regulation
Article 7 – paragraph 2 – point h – point i

Text proposed by the Commission

(i) effective measures of redress in relation to the risks posed by an AI system, with the exclusion of claims for damages;

Amendment

(i) effective measures of redress in relation to the damage caused by an AI system, with the exclusion of claims for direct or indirect damages;

Or. en

Amendment 1543
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 7 – paragraph 2 – point h a (new)

Text proposed by the Commission

(h a) The general capabilities and functionalities of the AI system independent of its foreseeable use;

Amendment

(h a) The extent of the availability and use of demonstrated technical solutions and mechanisms for the control, reliability and corrigibility of the AI system;

Or. en

Amendment 1544
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission

(h b) The extent of the availability and use of demonstrated technical solutions and mechanisms for the control, reliability and corrigibility of the AI system;

Amendment

(h b) The extent of the availability and use of demonstrated technical solutions and mechanisms for the control, reliability and corrigibility of the AI system;

Or. en
Amendment 1545
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

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

Text proposed by the Commission

(h c) The potential misuse and malicious use of the AI system and of the technology underpinning it.

Or. en

Amendment 1546
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

2a. When assessing an AI system for the purposes of paragraph 1, the Commission shall consult, where appropriate, national and European authorities and bodies, representatives of the groups concerned by that system, industry professionals, independent experts and civil society organisations. The Commission shall organise public consultations in this regard.

Or. fr

Amendment 1547
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Pěnkova, Juan Fernando López Aguilar, Maria Grapini

Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission
2 a. When carrying out the assessment referred to in paragraph 1 the Commission shall consult, where relevant, representatives of groups on which an AI system has an impact, stakeholders, independent experts and civil society organisations. The Commission shall organise public consultations in this regard.

Or. en

Amendment 1548
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

2 a. The Commission may remove AI systems from the list in Annex III if the conditions referred to in paragraph 1 are no longer met.

Or. en

Amendment 1549
Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Vlad-Marius Botoş, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

2 a. The Commission shall provide a transitional period of at least 24 months following each update of Annex III.

Or. en

Amendment 1550
Axel Voss, Deirdre Clune, Eva Maydell
Proposal for a regulation
Article 7 – paragraph 2 b (new)

Text proposed by the Commission

2 b. The Board, notified bodies and other actors may request the Commission to reassess an AI system. The AI system shall then be reviewed for reassessment and may be re-categorized. The Commission shall give reasons for its decision and publish the reasons. The details of the application procedure shall be laid down by the Commission by means of delegated acts in accordance with Article 73.

Amendment 1551
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

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

Text proposed by the Commission

2b. The Commission shall publish a detailed report on the assessment referred to in paragraph 2.

Or. fr

Amendment 1552
Jean-Lin Lacapelle, Virginie Joron, Markus Buchheit, Hélène Laporte, Jean-Paul Garraud

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

Text proposed by the Commission

2c. The Commission shall consult the Board before adopting delegated acts
**pursuant to paragraph 1.**

---

**Amendment 1553**

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

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

<table>
<thead>
<tr>
<th><strong>Text proposed by the Commission</strong></th>
<th><strong>Amendment</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. High-risk AI systems shall comply with the requirements established in this Chapter.</td>
<td>1. High-risk AI systems shall comply with the requirements established in this Chapter <strong>throughout the entire lifecycle of the AI system.</strong> This includes their placing on the market as well as their deployment and use. <strong>Providers and deployers of AI systems shall ensure compliance by establishing technical and operational measures in line with this Chapter.</strong></td>
</tr>
</tbody>
</table>

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**Amendment 1554**

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

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

<table>
<thead>
<tr>
<th><strong>Text proposed by the Commission</strong></th>
<th><strong>Amendment</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. High-risk AI systems shall comply with the requirements established in this Chapter.</td>
<td>1. High-risk AI systems shall comply with the requirements established in this Chapter, <strong>taking into account the generally acknowledged state of the art and industry standards, including as reflected in relevant harmonised standards or common specifications.</strong></td>
</tr>
</tbody>
</table>
Amendment 1555
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 8 – paragraph 1

Text proposed by the Commission

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

Amendment

1. High-risk AI systems shall comply with the requirements established in this Chapter, taking into account the generally acknowledged state of the art, including as reflected in relevant harmonised standards or common specifications.

Or. en

Amendment 1556
Geoffroy Didier

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

1. High-risk AI systems shall comply with the requirements established in this Chapter, taking into account the generally acknowledged state of the art and industry standards, including as reflected in relevant harmonised standards or common specifications.

Or. en

Justification

The above language has been suggested by the French Presidency and would better reflect the constant development of best practices and industry standards in the field of AI.

Moreover, it is important to clarify that the compliance with the requirements of the Draft Regulation should build upon the risk-based approach of the proposal itself, therefore the compliance obligations and risk assessment should be modulated on the basis of the specific high-risk AI use case and risk posed.

Amendment 1557
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 8 – paragraph 1

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

Amendment

1. High-risk AI systems shall comply with the essential requirements established in this Chapter, taking into account the generally acknowledged state of the art, including as reflected in relevant industry and harmonised standards.

Or. en

Amendment 1558
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefanuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Đuriš Nicholsonová, Irena Joveva, Malik Azmani, Svenja Hahn, Morten Løkkegaard, Alin Mituţa, Michal Šimečka

Proposal for a regulation
Article 8 – paragraph 1

1. Operators of high-risk AI systems shall comply with the requirements established in this Chapter.

Amendment

In complying with the requirements established in this Chapter, operators of high-risk AI systems shall take into account the generally-
acknowledged state of the art, including as reflected in the relevant harmonised standards and common specifications referenced in Articles 40 and 41.

Amendment 1560
Sergey Lagodinsky, Kim Van Sparrentak, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Where a deployer discovers non-compliance of a high-risk AI system with this regulation during reasonably foreseeable use, the deployer shall have the right to obtain the necessary modifications from the provider to the high-risk AI system.

Amendment 1561
Sergey Lagodinsky, Kim Van Sparrentak, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 8 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. Prospective deployers of high-risk AI systems shall have certified third parties assess and confirm the conformity of the AI system and its use with this Regulation and relevant applicable Union legislation before putting it into use. The conformity certificate shall be uploaded to the database pursuant to Article 60.
Amendment 1562
Sergey Lagodinsky, Kim Van Sparrentak, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 8 – paragraph 1 c (new)

Text proposed by the Commission

1 c. Where personal data is processed or is expected to be processed in the use of a high-risk AI system, this shall be understood as constituting a high risk in the meaning of Article 35 of Regulation (EU) 2016/679.

Amendment


Amendment 1563
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar, Marina Kaljurand

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. The intended purpose of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.

Amendment

2. The intended purpose of the high-risk AI system, the foreseeable uses and foreseeable misuses of AI systems with indeterminate uses and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.

Amendment 1564
Kateřina Konečná, Fernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

Amendment
2. The intended purpose of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.

2. The foreseeable uses and foreseeable misuses of AI systems with indeterminate uses of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.

Amendment 1565
Sergey Lagodinsky, Kim Van Sparrentak, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. The intended purpose of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.

Amendment

2. The intended purpose, the potential or reasonably foreseeable use or misuse of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.

Or. en

Amendment 1566
Brando Benifei, Christel Schaldemose, Andreas Schieder, Alex Agius Saliba, Bettina Vollath, Tsvetelina Penkova, René Repasi, Birgit Sippel, María Grapini, Adriana Maldonado López, Maria-Manuel Leitão-Marques, Marc Angel

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. The intended purpose of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.

Amendment

2. The intended purpose, reasonably foreseeable uses and foreseeable misuses of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.

Or. en
Amendment 1567
Geoffroy Didier

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission
2. The intended purpose of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.

Amendment
2. The intended purpose of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with the relevant requirements depending on the type of risks posed.

Or. en

Justification
The above language has been suggested by the French Presidency and would better reflect the constant development of best practices and industry standards in the field of AI. Moreover, it is important to clarify that the compliance with the requirements of the Draft Regulation should build upon the risk-based approach of the proposal itself, therefore the compliance obligations and risk assessment should be modulated on the basis of the specific high-risk AI use case and risk posed.

Amendment 1568
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission
2. The intended purpose of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.

Amendment
2. The intended purpose or reasonably foreseeable use of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.

Or. en

Amendment 1569
Axel Voss, Deirdre Clune, Eva Maydell
Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. AI systems referred to in Article 6 may be wholly or partially exempted from fulfilling the requirements referred to in Articles 8-15 if risks posed by the AI systems are sufficiently eliminated or mitigated through appropriate operational countermeasures or built-in fail-safe systems.

Amendment 1570
Andrea Caroppo, Salvatore De Meo

Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. This article shall not apply where the content forms part of an evidently artistic, creative, satirical, fictional or analogous work or programme.

Or. en

Amendment 1571
Morten Løkkegaard

Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. This article shall not apply where the content forms part of an evidently artistic, creative, satirical, fictional and analogous work or programme.

Or. en
Amendment 1572
Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ţuriş Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituța

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems.

Amendment

1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems. The risk management system can be integrated into, or a part of, already existing risk management procedures insofar as it fulfils the requirements of this article.

Or. en

Amendment 1573
Jörgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems.

Amendment

1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems, unless the AI system is covered by New Legislative Framework (NLF) legislation.

Or. en

Amendment 1574
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 9 – paragraph 1
1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems.

Amendment

1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems if this system poses a risk of harm to health and safety or a risk of adverse impacts on fundamental rights.

Or. en

Amendment 1575
Svenja Hahn, Nicola Beer, Morten Løkkegaard, Vlad-Marius Botoș, Moritz Körner, Ondřej Kovařík, Jan-Christoph Oetjen

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems.

Amendment

1. A risk management system shall be established, implemented, documented and maintained in appropriate relation to high-risk AI systems and its risks identified in the risk assessment referred to in Art. 6a.

Or. en

Amendment 1576
Marion Walsmann

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems.

Amendment

1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems or be included in existing risk management procedures.

Or. en
### Amendment 1577
**Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura**

**Proposal for a regulation**  
**Article 9 – paragraph 1**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems.</td>
<td>1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems, throughout the entire lifecycle of the AI system.</td>
</tr>
</tbody>
</table>

### Amendment 1578
**Sergey Lagodinsky, Kim Van Sparrentak, Alexandra Geese, Alviina Alametsä** on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 9 – paragraph 1**

<table>
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<td>1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems.</td>
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</tr>
</tbody>
</table>

### Amendment 1579
**Axel Voss, Deirdre Clune, Eva Maydell**

**Proposal for a regulation**  
**Article 9 – paragraph 2 – introductory part**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. The risk management system shall consist of a continuous iterative process run throughout the entire lifecycle of a high-risk AI system, requiring regular systematic updating. It shall comprise the</td>
<td>2. The risk management system shall consist of a continuous iterative process run throughout the entire lifetime of a high-risk AI system, requiring regular review of the suitability of the risk management</td>
</tr>
</tbody>
</table>
following steps: process to ensure its continuing effectiveness, and documentation of any decisions and actions taken. It shall comprise the following steps and all of these steps shall be integrated into already existing risk management procedures relating to the relevant Union sectoral legislation to avoid unnecessary bureaucracy:

Or. en

Amendment 1580
Kateřina Konečná, Pernando Barrena Arza, Cornelia Ernst, Elena Kountoura

Proposal for a regulation
Article 9 – paragraph 2 – introductory part

Text proposed by the Commission

2. The risk management system shall consist of a continuous iterative process run throughout the entire lifecycle of a high-risk AI system, requiring regular systematic updating. It shall comprise the following steps:

Amendment

2. The risk management system shall consist of a continuous iterative process run throughout the entire lifecycle of a high-risk AI system, requiring regular systematic review and updating, including when the high-risk AI system is subject to significant changes in its design or purpose. It shall comprise the following steps:

Or. en