



2021/0106(COD)

13.6.2022

AMENDMENTS 2727 - 3019

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

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

Proposal for a regulation
(COM(2021)0206 – C9-0146/2021 – 2021/0106(COD))

Amendment 2727

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

Proposal for a regulation

Article 65 – paragraph 6 – introductory part

Text proposed by the Commission

6. The **information** referred to in paragraph 5 shall include all available details, in particular the **data** necessary for the identification of the non-compliant AI system, the origin of the AI system, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant operator. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to one or more of the following:

Amendment

6. The **notification** referred to in paragraph 5 shall include all available details, in particular the **information** necessary for the identification of the non-compliant AI system, the origin of the AI system, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant operator. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to one or more of the following:

Or. en

Amendment 2728

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 65 – paragraph 6 – point a

Text proposed by the Commission

(a) a failure of the AI system to meet requirements set out in ***Title III, Chapter 2***;

Amendment

(a) a failure of the AI system to meet requirements ***and obligations*** set out in ***this Regulation***;

Or. en

Amendment 2729

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

Proposal for a regulation
Article 65 – paragraph 6 – point a

Text proposed by the Commission

(a) a failure of the AI system to meet requirements set out in Title III, Chapter 2;

Amendment

(a) a failure of the **high-risk** AI system to meet requirements set out in Title III, Chapter 2;

Or. en

Amendment 2730

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

Proposal for a regulation
Article 65 – paragraph 6 – point b a (new)

Text proposed by the Commission

Amendment

(b a) non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5;

Or. en

Amendment 2731

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

Proposal for a regulation
Article 65 – paragraph 6 – point b b (new)

Text proposed by the Commission

Amendment

(b b) non-compliance with provisions set out in Article 52;

Or. en

Amendment 2732

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

Proposal for a regulation
Article 65 – paragraph 7

Text proposed by the Commission

7. The market surveillance authorities of the Member States other than the market surveillance authority of the Member State initiating the procedure shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the AI system concerned, **and, in the event of disagreement with the notified national measure, of their objections.**

Amendment

7. The market surveillance authorities of the Member States other than the market surveillance authority of the Member State initiating the procedure shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the AI system concerned.

Or. fr

Justification

There is no need to make arrangements for objections to be raised because the measure concerned is justified by the presence of a risk at national level, because paragraph 2 provides for an evaluation of that risk and the application of initial corrective action, and because the measure is in any case subject to a time limit.

Amendment 2733

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

Proposal for a regulation
Article 65 – paragraph 7

Text proposed by the Commission

7. The market surveillance authorities of the Member States **other than the market surveillance authority of the Member State initiating the procedure** shall without delay inform the Commission and the **other Member States** of any measures adopted and of any additional information at their disposal relating to the non-compliance of the AI system concerned, and, in the event of disagreement with the notified national measure, of their objections.

Amendment

7. The market surveillance authorities **or, where applicable, the national supervisory authorities** of the **other** Member States shall without delay inform the Commission, **the Board** and the **authority initiating the procedure** of any measures adopted and of any additional information at their disposal relating to the non-compliance of the AI system concerned, and, in the event of disagreement with the notified national measure, of their objections.

Amendment 2734

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

**Proposal for a regulation
Article 65 – paragraph 8**

Text proposed by the Commission

Amendment

8. *Where, within three months of receipt of the information referred to in paragraph 5, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified. This is without prejudice to the procedural rights of the concerned operator in accordance with Article 18 of Regulation (EU) 2019/1020.*

deleted

Or. fr

Justification

See justification to Amendment 2732.

Amendment 2735

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten L okkegaard, Sandro Gozi, Vlad-Marius Botoş, Moritz K orner, Jan-Christoph Oetjen

**Proposal for a regulation
Article 65 – paragraph 8**

Text proposed by the Commission

Amendment

8. Where, within three months of receipt of the **information** referred to in paragraph 5, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified. This is without prejudice to the procedural rights of the concerned operator in accordance

8. Where, within three months of receipt of the **notification** referred to in paragraph 5, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified. This is without prejudice to the procedural rights of the concerned operator in accordance

with Article 18 of Regulation (EU) 2019/1020.

with Article 18 of Regulation (EU) 2019/1020. *The period referred to in the first sentence of this paragraph shall be reduced to 30 days in the case of non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5.*

Or. en

Amendment 2736

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

Proposal for a regulation Article 65 – paragraph 8

Text proposed by the Commission

8. Where, within three months of receipt of the information referred to in paragraph 5, no objection has been raised by either a **Member State** or the Commission in respect of a provisional measure taken by a **Member State**, that measure shall be deemed justified. This is without prejudice to the procedural rights of the concerned operator in accordance with Article 18 of Regulation (EU) 2019/1020.

Amendment

8. Where, within three months of receipt of the information referred to in paragraph 5, no objection has been raised by either a **market surveillance authority, a national supervisory authority**, or the Commission in respect of a provisional measure taken by a **market surveillance authority or a national supervisory authority**, that measure shall be deemed justified. This is without prejudice to the procedural rights of the concerned operator in accordance with Article 18 of Regulation (EU) 2019/1020.

Or. en

Amendment 2737

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

Proposal for a regulation Article 65 – paragraph 9

Text proposed by the Commission

9. The market surveillance authorities of all Member States shall ensure that

Amendment

9. The market surveillance authorities of all Member States shall ensure that

appropriate restrictive measures are taken in respect of the **product** concerned, such as withdrawal of the product from their market, without delay.

appropriate restrictive measures are taken in respect of the **AI system** concerned, such as withdrawal of the product from their market, without delay.

Or. en

Amendment 2738

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

Proposal for a regulation Article 66

Text proposed by the Commission

Amendment

Article 66

deleted

Union safeguard procedure

1. Where, within three months of receipt of the notification referred to in Article 65(5), objections are raised by a Member State against a measure taken by another Member State, or where the Commission considers the measure to be contrary to Union law, the Commission shall without delay enter into consultation with the relevant Member State and operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not within 9 months from the notification referred to in Article 65(5) and notify such decision to the Member State concerned.

2. If the national measure is considered justified, all Member States shall take the measures necessary to ensure that the non-compliant AI system is withdrawn from their market, and shall inform the Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw the measure.

3. Where the national measure is considered justified and the non-

compliance of the AI system is attributed to shortcomings in the harmonised standards or common specifications referred to in Articles 40 and 41 of this Regulation, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.

Or. fr

Justification

See justification to Amendment 2732.

Amendment 2739

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

**Proposal for a regulation
Article 66 – paragraph 1**

Text proposed by the Commission

1. Where, within three months of receipt of the notification referred to in Article 65(5), objections are raised by a Member State against a measure taken by another Member State, or where the Commission considers the measure to be contrary to Union law, the Commission shall without delay enter into consultation with the relevant Member **State** and operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not within 9 months from the notification referred to in Article 65(5) and notify such decision to the Member State concerned.

Amendment

1. Where, within three months of receipt of the notification referred to in Article 65(5), **or 30 days in the case of non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5**, objections are raised by a Member State against a measure taken by another Member State, or where the Commission considers the measure to be contrary to Union law, the Commission shall without delay enter into consultation with the relevant Member **State's market surveillance authority** and operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not within 9 months, **or 60 days in the case of non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5, starting** from the notification referred to in Article 65(5) and notify such decision to the Member State concerned. **The Commission shall also inform all other**

Amendment 2740

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

Proposal for a regulation

Article 66 – paragraph 1

Text proposed by the Commission

1. Where, within three months of receipt of the notification referred to in Article 65(5), objections are raised by a Member State against a measure taken by another Member State, or where the Commission considers the measure to be contrary to Union law, the Commission shall without delay enter into consultation with the relevant Member State and operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not within 9 months from the notification referred to in Article 65(5) and notify such decision to the Member State concerned.

Amendment

1. Where, within three months of receipt of the notification referred to in Article 65(5), objections are raised by **the European Parliament or** a Member State against a measure taken by another Member State, or where the Commission considers the measure to be contrary to Union law, **or has sufficient reasons to believe that an AI system presents a risk or affects consumers in more than one Member State** the Commission shall without delay enter into consultation with the relevant Member State and operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not within 9 months from the notification referred to in Article 65(5) and notify such decision to the Member State concerned.

Amendment 2741

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

Proposal for a regulation

Article 66 – paragraph 1

Text proposed by the Commission

1. Where, within three months of receipt of the notification referred to in

Amendment

1. Where, within three months of receipt of the notification referred to in

Article 65(5), objections are raised by a Member State against a measure taken by another Member State, or where the **Commission** considers the measure to be contrary to Union law, the **Commission** shall without delay enter into consultation with the relevant Member State and operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the **Commission** shall decide whether the national measure is justified or not within 9 months from the notification referred to in Article 65(5) and notify such decision to the Member State concerned.

Article 65(5), objections are raised by a Member State against a measure taken by another Member State, or where the **Board** considers the measure to be contrary to Union law, the **Board** shall without delay enter into consultation with the relevant Member State and operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the **Board** shall decide whether the national measure is justified or not within 9 months from the notification referred to in Article 65(5) and notify such decision to the Member State concerned.

Or. en

Amendment 2742

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

Proposal for a regulation **Article 66 – paragraph 2**

Text proposed by the Commission

2. If the national measure is considered justified, all Member States shall take the measures necessary to ensure that the non-compliant AI system is withdrawn from their market, and shall inform the **Commission** accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw the measure.

Amendment

2. If the national measure is considered justified, all Member States shall take the measures necessary to ensure that the non-compliant AI system is withdrawn from their market, and shall inform the **Board** accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw the measure.

Or. en

Amendment 2743

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

Proposal for a regulation **Article 66 – paragraph 3**

Text proposed by the Commission

3. Where the national measure is considered justified and the non-compliance of the AI system is attributed to shortcomings in the harmonised standards or common specifications referred to in Articles 40 and 41 of this Regulation, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.

Amendment

3. Where the national measure is considered justified and the non-compliance of the AI system is attributed to shortcomings in the harmonised standards or common specifications referred to in Articles 40 and 41 of this Regulation, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012. ***The Commission shall also have the possibility to suggest alternative measures to the Member State concerned.***

Or. en

Amendment 2744

Jürgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation

Article 66 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. If the national measure is found to be unjustified, the Member State concerned shall reimburse the operator for the costs and loss of revenue directly attributable to the measure found to be unjustified.

Or. en

Amendment 2745

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 66 a (new)

Text proposed by the Commission

Amendment

Article 66 a

Requests for Commission intervention

1. Where market surveillance authorities have reasons to suspect that the infringement of a provider or of a user of a high-risk AI system to this Regulation is liable to compromise the health or safety or fundamental of affected persons, the environment and the Union values enshrined in Article 2 TEU amount to a widespread infringement or a widespread infringement with a Union dimension or affects or is likely affect at least 45 million citizens in the Union. The market surveillance authority may request the Commission to take the necessary investigatory and enforcement measures to ensure compliance with this Regulation. Such request shall set out the reasons for the Commission to intervene.

2. Prior to requesting the Commission to intervene, the market surveillance authority shall notify the Board which shall issue within 7 days a non-binding opinion on the request for the Commission to intervene. The market surveillance authority shall take into account the non-binding opinion of the Board before sending its request to the Commission.

Or. en

Amendment 2746

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 67

Text proposed by the Commission

Amendment

Article 67

deleted

Compliant AI systems which present a risk

1. Where, having performed an evaluation under Article 65, the market surveillance authority of a Member State finds that

although an AI system is in compliance with this Regulation, it presents a risk to the health or safety of persons, to the compliance with obligations under Union or national law intended to protect fundamental rights or to other aspects of public interest protection, it shall require the relevant operator to take all appropriate measures to ensure that the AI system concerned, when placed on the market or put into service, no longer presents that risk, to withdraw the AI system from the market or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

2. The provider or other relevant operators shall ensure that corrective action is taken in respect of all the AI systems concerned that they have made available on the market throughout the Union within the timeline prescribed by the market surveillance authority of the Member State referred to in paragraph 1.

3. The Member State shall immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the AI system concerned, the origin and the supply chain of the AI system, the nature of the risk involved and the nature and duration of the national measures taken.

4. The Commission shall without delay enter into consultation with the Member States and the relevant operator and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall decide whether the measure is justified or not and, where necessary, propose appropriate measures.

5. The Commission shall address its decision to the Member States.

Or. en

Amendment 2747

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

Proposal for a regulation

Article 67 – title

Text proposed by the Commission

Compliant AI systems which present a risk

Amendment

Compliant AI systems which present a risk
to the health and safety

Or. en

Amendment 2748

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 67 – paragraph 1

Text proposed by the Commission

1. Where, having performed an evaluation under Article 65, the market surveillance authority of a Member State finds that although an AI system is in compliance with this Regulation, it presents a risk to the health or safety of persons, to the compliance with obligations under Union or national law intended to protect fundamental rights ***or to other aspects of public interest protection***, it shall require the relevant operator to take all appropriate measures to ensure that the AI system concerned, when placed on the market or put into service, no longer presents that risk, ***to withdraw the AI system from the market or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.***

Amendment

1. Where, having performed an evaluation under Article 65, the market surveillance authority of a Member State finds that although an AI system is in compliance with this Regulation, it presents a risk to the health or safety of persons ***or*** to the compliance with obligations under Union or national law intended to protect fundamental rights, it shall require the relevant operator to take all appropriate measures to ensure that the AI system concerned, when placed on the market or put into service, no longer presents that risk

Or. en

Amendment 2749

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 67 – paragraph 1

Text proposed by the Commission

1. Where, having performed an evaluation under Article 65, the market surveillance authority of a Member State finds that although an AI system is in compliance with this Regulation, it presents a risk to the health or safety of persons, to the compliance with obligations under Union or national law intended to protect fundamental rights or to other aspects of public interest protection, it shall require the relevant operator to take all appropriate measures to ensure that the AI system concerned, when placed on the market or put into service, no longer presents that risk, to withdraw the AI system from the market or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

Amendment

1. Where, having performed an evaluation under Article 65 ***in full cooperation with the relevant national public authority referred to in Article 64(3)***, the market surveillance authority of a Member State finds that although an AI system is in compliance with this Regulation, it presents a risk to the health or safety of persons, to the compliance with obligations under Union or national law intended to protect fundamental rights, ***environment, European values as enshrined in Article 2 TEU*** or to other aspects of public interest protection, it shall require the relevant operator to take all appropriate measures to ensure that the AI system concerned, when placed on the market or put into service, no longer presents that risk, to withdraw the AI system from the market or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

Or. en

Amendment 2750

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

Proposal for a regulation

Article 67 – paragraph 1

Text proposed by the Commission

1. Where, having performed an evaluation under Article 65, the market surveillance authority of a Member State

Amendment

1. Where, having performed an evaluation under Article 65, the market surveillance authority of a Member State

finds that although an AI system is in compliance with this Regulation, it presents a risk to the health or safety of persons, ***to the compliance with obligations under Union or national law intended to protect fundamental rights or to other aspects of public interest protection***, it shall require the relevant operator to take all appropriate measures to ensure that the AI system concerned, when placed on the market or put into service, no longer presents that risk, to withdraw the AI system from the market or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

finds that although an AI system is in compliance with this Regulation, it presents a risk to the health or safety of persons, it shall require the relevant operator to take all appropriate measures to ensure that the AI system concerned, when placed on the market or put into service, no longer presents that risk, to withdraw the AI system from the market or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

Or. en

Amendment 2751

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

Proposal for a regulation Article 67 – paragraph 1

Text proposed by the Commission

1. Where, having performed an evaluation under Article 65, the market surveillance authority of a Member State finds that although an AI system is in compliance with this Regulation, it presents a risk to the health or safety of persons, ***to the compliance with obligations under Union or national law intended to protect fundamental rights or to other aspects of public interest protection***, it shall require the relevant operator to take all appropriate measures to ensure that the AI system concerned, when placed on the market or put into service, no longer presents that risk, to withdraw the AI system from the market or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

Amendment

1. Where, having performed an evaluation under Article 65, the market surveillance authority of a Member State finds that although an AI system is in compliance with this Regulation, it presents a risk to the health or safety of persons ***or to*** fundamental rights, it shall require the relevant operator to take all appropriate measures to ensure that the AI system concerned, when placed on the market or put into service, no longer presents that risk, to withdraw the AI system from the market or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

Amendment 2752**Andrea Caroppo, Salvatore De Meo****Proposal for a regulation****Article 67 – paragraph 1***Text proposed by the Commission*

1. Where, having performed an evaluation under Article 65, the market surveillance authority of a Member State finds that although an AI system is in compliance with this Regulation, it presents a risk to the health or safety of persons, to the compliance with obligations under Union or national law intended to protect fundamental rights or to other aspects of public interest protection, it shall require the relevant operator to take all appropriate measures to ensure that the AI system concerned, when placed on the market or put into service, no longer presents that risk, to withdraw the AI system from the market or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

Amendment

1. Where, having performed an evaluation under Article 65, the market surveillance authority of a Member State finds **and demonstrates** that although an AI system is in compliance with this Regulation, it presents a risk to the health or safety of persons, to the compliance with obligations under Union or national law intended to protect fundamental rights or to other aspects of public interest protection, it shall require the relevant operator to take all appropriate measures to ensure that the AI system concerned, when placed on the market or put into service, no longer presents that risk, to withdraw the AI system from the market or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

Or. en

Amendment 2753**Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituţa****Proposal for a regulation****Article 67 – paragraph 2 a (new)***Text proposed by the Commission**Amendment*

2 a. Should the provider or other relevant operators fail to take corrective action as referred to in paragraph 2 and should the AI system continue to present a

risk as referred to in paragraph 1, the market surveillance authority may require the relevant operator, as a measure of last resort, to withdraw the AI system from the market or to recall it within a reasonable period, commensurate with the nature of the risk.

Or. en

Amendment 2754

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

Proposal for a regulation Article 67 – paragraph 3

Text proposed by the Commission

3. The **Member State** shall immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the AI system concerned, the origin and the supply chain of the AI system, the nature of the risk involved and the nature and duration of the national measures taken.

Amendment

3. The **market surveillance authority** shall immediately inform the Commission, **the Board** and the other Member States' **market surveillance authorities**. That information shall include all available details, in particular the data necessary for the identification of the AI system concerned, the origin and the supply chain of the AI system, the nature of the risk involved and the nature and duration of the national measures taken.

Or. en

Amendment 2755

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

Proposal for a regulation Article 67 – paragraph 3

Text proposed by the Commission

3. The Member State shall immediately inform the Commission and the other Member States. That information shall include all available details, in

Amendment

3. The Member State shall immediately inform the Commission, **the AI Office**, and the other Member States. That information shall include all available

particular the data necessary for the identification of the AI system concerned, the origin and the supply chain of the AI system, the nature of the risk involved and the nature and duration of the national measures taken.

details, in particular the data necessary for the identification of the AI system concerned, the origin and the supply chain of the AI system, the nature of the risk involved and the nature and duration of the national measures taken.

Or. en

Amendment 2756

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

Proposal for a regulation **Article 67 – paragraph 3**

Text proposed by the Commission

3. The Member State shall immediately inform the **Commission** and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the AI system concerned, the origin and the supply chain of the AI system, the nature of the risk involved and the nature and duration of the national measures taken.

Amendment

3. The Member State shall immediately inform the **Board** and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the AI system concerned, the origin and the supply chain of the AI system, the nature of the risk involved and the nature and duration of the national measures taken.

Or. en

Amendment 2757

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

Proposal for a regulation **Article 67 – paragraph 4**

Text proposed by the Commission

4. The Commission shall without delay enter into consultation with the Member States and the relevant operator and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall **decide**

Amendment

4. The Commission shall without delay enter into consultation with the Member States and the relevant operator and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall propose

whether the measure is justified or not and, where necessary, propose appropriate measures.

appropriate measures.

Or. fr

Amendment 2758

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

Proposal for a regulation

Article 67 – paragraph 4

Text proposed by the Commission

4. The Commission shall without delay enter into consultation with the Member States and the relevant operator and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall decide whether the measure is justified or not and, where necessary, propose appropriate measures.

Amendment

4. The Commission shall without delay enter into consultation with the Member States **concerned** and the relevant operator and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall decide whether the measure is justified or not and, where necessary, propose appropriate measures.

Or. en

Amendment 2759

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

Proposal for a regulation

Article 67 – paragraph 4

Text proposed by the Commission

4. The Commission shall without delay enter into consultation with the **Member States** and the relevant operator and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall decide whether the measure is justified or not and, where necessary, propose appropriate measures.

Amendment

4. The Commission shall without delay enter into consultation with the **market surveillance authorities** and the relevant operator and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall decide whether the measure is justified or not and, where necessary, propose appropriate measures.

Amendment 2760

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

Proposal for a regulation
Article 67 – paragraph 4

Text proposed by the Commission

4. The **Commission** shall without delay enter into consultation with the Member States and the relevant operator and shall evaluate the national measures taken. On the basis of the results of that evaluation, the **Commission** shall decide whether the measure is justified or not and, where necessary, propose appropriate measures.

Amendment

4. The **Board** shall without delay enter into consultation with the Member States and the relevant operator and shall evaluate the national measures taken. On the basis of the results of that evaluation, the **Board** shall decide whether the measure is justified or not and, where necessary, propose appropriate measures.

Or. en

Amendment 2761

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

Proposal for a regulation
Article 67 – paragraph 5

Text proposed by the Commission

5. The Commission shall address its decision to the **Member States**.

Amendment

5. The Commission shall address its decision to the **market surveillance authorities and communicate it to them and to the relevant operators**.

Or. en

Amendment 2762

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

Proposal for a regulation

Article 67 – paragraph 5

Text proposed by the Commission

5. The Commission shall address its decision to the Member States.

Amendment

5. The Commission shall address its decision to the Member States **concerned, and inform all other Member States.**

Or. en

Amendment 2763

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

Proposal for a regulation Article 67 – paragraph 5

Text proposed by the Commission

5. The **Commission** shall address its decision to the Member States.

Amendment

5. The **Board** shall address its decision to the Member States.

Or. en

Amendment 2764

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

Proposal for a regulation Article 67 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. The Board shall adopt guidelines to help national competent authorities to identify and rectify, where necessary, similar problems arising in other AI systems.

Or. en

Amendment 2765

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

Proposal for a regulation
Article 67 a (new)

Text proposed by the Commission

Amendment

Article 67 a

Compliant AI systems which present a risk to the fundamental rights

1. Where, having performed an evaluation under Article 65, the national supervisory authority of a Member State finds that although an AI system is in compliance with this Regulation, it presents a risk to the compliance with obligations under Union or national law intended to protect fundamental rights, the principles of Article 4a, the values as enshrined in Article 2 TEU, the environment, or to other aspects of public interest protection, it shall require the relevant operator to take all appropriate measures to ensure that the AI system concerned, when placed on the market or put into service, no longer presents that risk, to withdraw the AI system from the market or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

2. The provider or other relevant operators shall ensure that corrective action is taken in respect of all the AI systems concerned that they have made available on the market throughout the Union within the timeline prescribed by the national supervisory authority of the Member State referred to in paragraph 1.

3. The national supervisory authority shall immediately inform the Board, the Commission and the market surveillance authority. That information shall include all available details, in particular the data necessary for the identification of the AI system concerned, the origin and the supply chain of the AI system, the nature of the risk involved and the nature and duration of the national measures taken.

4. The Board shall without delay enter into consultation with the relevant operator and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Board shall decide whether the measure is justified or not and, where necessary, propose appropriate measures.

5. The Board shall address its decision to the national supervisory authority and to the relevant operators.

Or. en

Amendment 2766

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 68 – paragraph 1 – point b

Text proposed by the Commission

(b) the ***conformity*** marking has not been affixed;

Amendment

(b) the ***CE*** marking has not been affixed;

Or. en

Amendment 2767

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

Proposal for a regulation

Article 68 – paragraph 2

Text proposed by the Commission

2. Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the high-risk AI system being made available on the market or ensure that it is recalled or withdrawn from the market.

Amendment

2. Where the non-compliance referred to in paragraph 1 persists ***for longer than one week following receipt of the relevant notice***, the Member State concerned shall take all appropriate measures to restrict or prohibit the high-risk AI system being made available on the market or ensure that it is recalled or withdrawn from the market, ***imposing, where necessary, the penalties***

laid down in national law.

Or. fr

Amendment 2768

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 68 – paragraph 2

Text proposed by the Commission

2. Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take ***all appropriate*** measures to restrict or prohibit the high-risk AI system being made available on the market ***or ensure that it is recalled or withdrawn from the market.***

Amendment

2. Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take ***proportionate*** measures to restrict or prohibit the high-risk AI system being made available on the market.

Or. en

Amendment 2769

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

Proposal for a regulation

Article 68 – paragraph 2

Text proposed by the Commission

2. Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the high-risk AI system being made available on the market or ensure that it is recalled or withdrawn from the market.

Amendment

2. Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all appropriate ***and proportionate*** measures to restrict or prohibit the high-risk AI system being made available on the market or ensure that it is recalled or withdrawn from the market.

Or. en

Amendment 2770

René Repasi, Marc Angel, Andreas Schieder

Proposal for a regulation
Article 68 a (new)

Text proposed by the Commission

Amendment

Article 68 a

Insufficient application or non-application of Union law by the competent authority

1. Where a competent authority has failed to ensure that an AI system is in compliance with the requirements laid down in this Regulation, or where a competent authority fails to require sufficient corrective action from an operator of an AI system that is in compliance with this Regulation but presents a risk to the health or safety of persons, to the compliance with obligations under Union or national law intended to protect fundamental rights or to other aspects of public interest protection, the Commission shall act in accordance with the powers set out in the following paragraphs of this Article.

2. Upon request from one or more competent authorities, the European Parliament, the Council, the European Artificial Intelligence Board, or on its own initiative, including when this is based on well substantiated information from natural or legal persons, and after having informed the competent authority concerned, the Commission shall outline how it intends to proceed with the case and, where appropriate, investigate the alleged insufficient application or non-application of Union law.

The competent authority shall, without delay, provide the Commission with all information which the Commission considers necessary for its investigation.

The Commission may, after having informed the competent authority concerned, address a duly justified and reasoned request for information directly to other competent authorities whenever requesting information from the

competent authority concerned has proven, or is deemed to be, insufficient to obtain the information that is deemed necessary for the purpose of investigating an alleged insufficient application or non-application of Union law. The addressee of such a request shall provide the Commission with clear, accurate and complete information without undue delay.

Before issuing a recommendation as set out in paragraph 4, the Commission shall engage with the competent authority concerned where it considers such engagement appropriate in order to resolve the insufficient application or non-application of Union law, in an attempt to reach agreement on actions necessary for the competent authority to comply with Union law.

3. Where necessary to issue a recommendation as set out in paragraph 4, the Commission shall have the rights granted to the market surveillance authorities under Article 64.

4. The Commission may, not later than 2 months from initiating its investigation, address a recommendation to the competent authority concerned setting out the action necessary to comply with Union law. The competent authority shall, within ten working days of receipt of the recommendation, inform the Commission of the steps it has taken or intends to take to ensure compliance with Union law.

5. Where the competent authority has not complied with Union law within 1 month from receipt of the Commission's recommendation, the Commission may issue a formal opinion requiring the competent authority to take the action necessary to comply with Union law. The Commission shall issue such a formal opinion no later than 3 months after the adoption of the recommendation set out in paragraph 4. The Commission may extend this period by 1 month.

6. The competent authority shall, within ten working days of receipt of the formal opinion referred to in paragraph 5, inform the Commission of the steps it has taken or intends to take to comply with that formal opinion.

7. Without prejudice to the powers of the Commission pursuant to Article 258 TFEU, where a competent authority does not comply with the formal opinion referred to in paragraph 5 of this Article within the period specified therein, the Commission may adopt an individual decision addressed to the operator of an AI system requiring it to take all necessary action to comply with its obligations under Union law.

The decision of the Commission shall be in conformity with the formal opinion issued pursuant to paragraph 5.

8. Decisions adopted in accordance with paragraph 7 shall prevail over any previous decision adopted by the competent authorities on the same matter. When taking action in relation to issues which are subject to a formal opinion pursuant to paragraph 5 or to a decision pursuant to paragraph 7, competent authorities shall comply with the formal opinion or the decision, as the case may be.

Or. en

Justification

The amendment, that drives inspiration from the ESMA Regulation, intends to solve the situation where a competent authority does not take action to impede an operator of an AI system from failing to comply to this Regulation by granting the Commission the right to intervene in order to order the operator to comply with its obligations under this Regulation.

Amendment 2771

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

Proposal for a regulation **Article 68 a (new)**

Article 68 a

Right to lodge a complaint with a supervisory authority

1. Without prejudice to any other administrative or judicial remedy, AI subjects and any natural or legal person affected by an AI system shall have the right to lodge a complaint with a supervisory authority, in particular in the Member State of his or her habitual residence, place of work or place of the alleged infringement if the subject considers that the use of a particular AI system, he or she is affected by, infringes this Regulation. Such a complaint may be lodged through a representative action for the protection of the collective interests of consumers as provided under Directive (EU) 2020/1828.

2. Complainants shall have a right to be heard in the complaint handling procedure and in the context of any investigations or deliberations conducted by the competent authority as a result of their complaint.

3. Supervisory authorities shall inform complainants or their representatives about the progress and outcome of their complaints. In particular, supervisory authorities shall take all the necessary actions to follow up on the complaints they receive and, within three months of the reception of a complaint, give the complainants a preliminary response indicating the measures they intend to take and the next steps in the procedure, if any.

4. The supervisory authority shall take a decision on the complaint, including the possibility of a judicial remedy pursuant to Article 68b, without delay and no later than six months after the date on which the complaint was lodged.

Amendment 2772

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Karen Melchior, 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 68 a (new)

Text proposed by the Commission

Amendment

Article 68 a

Right to lodge a complaint with a supervisory authority

1. Without prejudice to any other administrative or judicial remedy, every natural or legal person shall have the right to lodge a complaint with a supervisory authority, in particular in the Member State of his or her habitual residence, place of work or place of the alleged infringement if the natural or legal person considers that their health, safety, or fundamental rights have been breached by an AI system falling within the scope of this Regulation.

2. Natural or legal persons shall have a right to be heard in the complaint handling procedure and in the context of any investigations conducted by the national supervisory authority as a result of their complaint.

3. The national supervisory authority with which the complaint has been lodged shall inform the complainants about the progress and outcome of their complaint. In particular, the national supervisory authority shall take all the necessary actions to follow up on the complaints it receives and, within three months of the reception of a complaint, give the complainant a preliminary response indicating the measures it intends to take and the next steps in the procedure, if any.

4. The national supervisory authority shall take a decision on the complaint and inform the complainant on the progress and the outcome of the complaint, including the possibility of a judicial remedy pursuant to Article 68b, without delay and no later than six months after the date on which the complaint was lodged.

Or. en

Amendment 2773

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

**Proposal for a regulation
Article 68 a (new)**

Text proposed by the Commission

Amendment

Article 68 a

Right to lodge a complaint

1. Affected persons, affected by an AI system falling within the scope of this Regulation, shall have the right to lodge a complaint against the providers or users of such AI system, with the national supervisory authority of the Member State where they have their habitual place of residence or place of work or where the alleged infringement took place, if they consider that their fundamental rights, health or safety have been breached.

2. Affected persons shall have a right to be heard in the complaint handling procedure and in the context of any investigations conducted by the national supervisory authority as a result of their complaint.

3. The national supervisory authority with which the complaint has been lodged shall inform the complainants about the progress and outcome of their complaint. In particular, the national supervisory authority shall take all the necessary

actions to follow up on the complaints it receives and, within three months of the reception of a complaint, give the complainant a preliminary response indicating the measures it intends to take and the next steps in the procedure, if any.

4. The national supervisory authority shall take a decision on the complaint, without delay and no later than six months after the date on which the complaint was lodged.

Or. en

Amendment 2774

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

**Proposal for a regulation
Article 68 a (new)**

Text proposed by the Commission

Amendment

Article 68 a

Representation of affected persons and the right of public interest organisation to lodge complaints

1. Without prejudice to Directive 2020/1828/EC, natural persons or groups of natural persons affected by an AI system shall have the right to mandate a body, organisation or association to lodge a complaint referred to in Article 68 on their behalf, to exercise the right to remedy referred to in Article 68 on their behalf, and to exercise on their behalf other rights under this Regulation, in particular the right to receive an explanation referred to in Article 4a

2. Without prejudice to Directive 2020/1828/EC, the bodies, organisations or associations referred to in paragraph 1 shall have the right to lodge a complaint with national supervisory authorities, independently of the mandate of the

natural per-son, if they consider that an AI system has been placed on the market, put into service, or used in a way that infringes this Regulation, or is otherwise in violation of fundamental rights or other aspects of public interest protection, pursuant to article 67.

3. National supervisory authorities have the duty to investigate, in conjunction with relevant market surveillance authority if applicable, and respond within a reasonable period to all complaints referred to in paragraph 2.

Or. en

Amendment 2775

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 68 a (new)

Text proposed by the Commission

Amendment

Article 68 a

Commission fees

1. The Commission shall charge fees to market surveillance authorities when the Commission initiates proceedings in accordance with Article 68a(1)(c).

2. The overall amount of the fee shall cover the estimated costs the Commission incurs in relation to proceedings carried out under this Regulation, in particular costs related to the investigation and enforcement measures pursuant to Chapter 4 of Title VIII.

3. The Commission shall lay down in a delegated act, adopted pursuant to Article 73, the detailed methodology and procedures for:(a) the determination of the estimated costs referred to in paragraph 2and the necessary payment

modalities.

4. The fees charged pursuant to paragraph 1 shall constitute external assigned revenue in accordance with Article 21(5) of Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council.

5. The Commission shall report annually to the European Parliament and to the Council on the overall amount of the costs incurred for the fulfilment of the tasks under this Regulation and the total amount of the fees charged in the preceding year.

Or. en

Justification

To complement the new enforcement mechanism at EU level proposed in the draft report, a new source of financing is needed in order to insure the proper implementation of such mechanism.

Amendment 2776

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

Proposal for a regulation

Article 68 a (new)

Text proposed by the Commission

Amendment

Article 68 a

Right to lodge a complaint with a supervisory authority

- 1. Citizens have a right not to be subjected to prohibited AI systems.*
- 2. Citizens have a right not to be subjected to high-risk AI systems that fail to meet the requirements for high-risk systems.*
- 3. Without prejudice to any other administrative or judicial remedy, every citizen shall have the right to lodge a complaint with a supervisory authority, in particular in the Member State of his or her habitual residence, place of work or place of the alleged infringement if the*

citizen considers that he or she has been subjected to an AI system that infringes this Regulation.

4. The supervisory authority with which the complaint has been lodged shall inform the complainant on the progress and the outcome of the complaint.

5. Without prejudice to any other administrative or non-judicial remedy, each natural or legal person shall have the right to an effective judicial remedy against a legally binding decision

Or. en

Amendment 2777

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 68 a (new)

Text proposed by the Commission

Amendment

Article 68 a

Right to lodge a complaint with a supervisory authority

1. Every citizen who considers that his or her right to protection of personal data has been infringed by the use of a prohibited AI system or a high-risk AI system shall have the right to lodge a complaint with the authority in charge to handle complaints under Article 77 of Regulation (EU) 2016/679 in the Member State of his or her habitual residence, place of work or place of the alleged infringement.

2. The supervisory authority with which the complaint has been lodged shall inform the complainant on the progress and the outcome of the complaint.

Or. en

Amendment 2778

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

Proposal for a regulation

Article 68 b (new)

Text proposed by the Commission

Amendment

Article 68 b

Representation of affected persons

1. An affected person shall have the right to mandate a not-for-profit body, organisation or association that has been properly constituted in accordance with the law of a Member State, has statutory objectives which are in the public interest, and is active in the field of the protection of rights and freedoms of affected persons, with regard to the protection of their fundamental rights, to lodge the complaint on their behalf, to exercise the rights referred to in Article 68a on his or her behalf, and to exercise the right to receive compensation referred to in Article 70a and 71 on his or her behalf.

2. Any body, organisation or association referred to in paragraph 1 of this Article, independently of an affected person's mandate, has the right to lodge, in that Member State, a complaint with the national supervisory authority which is competent pursuant to Article 68a, if it considers that the rights of a affected persons under this Regulation have been infringed as a result of them being subject to AI systems.

Or. en

Amendment 2779

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Karen Melchior, 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 68 b (new)

Text proposed by the Commission

Amendment

Article 68 b

***Right to an effective judicial remedy
against a national supervisory authority***

***1. Without prejudice to any other
administrative or non-judicial remedy,
each natural or legal person shall have
the right to an effective judicial remedy
against a legally binding decision of a
national supervisory authority concerning
them.***

***2. Without prejudice to any other
administrative or non-judicial remedy,
each data subject shall have the right to a
an effective judicial remedy where the
national supervisory authority does not
handle a complaint, does not inform the
complainant on the progress or
preliminary outcome of the complaint
lodged within three months pursuant to
Article 68a(3) or does not comply with its
obligation to reach a final decision on the
complaint within six months pursuant to
Article 68a(4) or its obligations under
Article 65.***

***3. Proceedings against a supervisory
authority shall be brought before the
courts of the Member State where the
national supervisory authority is
established.***

Or. en

Amendment 2780

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

Proposal for a regulation
Article 68 b (new)

Text proposed by the Commission

Amendment

Article 68 b

Right to an effective judicial remedy

against an authority

1. Without prejudice to any other administrative or non-judicial remedy, individuals and their representatives shall have the right to an effective judicial remedy against any legally binding decision concerning them, whether by a market surveillance authority or a supervisory authority.

2. Without prejudice to any other administrative or non-judicial remedy, individuals shall have the right to an effective judicial remedy where the authority which is competent does not handle a complaint, does not inform the individual on the progress or preliminary outcome of the complaint lodged within three months pursuant to Article 68a (3), does not comply with its obligation to reach a final decision on the complaint within six months pursuant to Article 68a (3) or its obligations under Article 65.

3. Proceedings against a market surveillance authority shall be brought before the courts of the Member State where the authority is established.

Or. en

Amendment 2781

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 68 b (new)**

Text proposed by the Commission

Amendment

Article 68 b

Representation of affected persons or groups of persons

1. Without prejudice to Directive 2020/1828/EC, the person or groups of persons harmed by AI systems shall have the right to mandate a not-for-profit body,

organisation or association which has been properly constituted in accordance with the law of a Member State, has statutory objectives which are in the public interest, and is active in the field of the protection of rights and freedoms impacted by AI to lodge the complaint on his, her or their behalf, to exercise the rights referred to in this Regulation on his, her or their behalf.

2. Without prejudice to Directive 2020/1828/EC, the body, organisation or association referred to in paragraph 1 shall have the right to exercise the rights established in this Regulation independently of a mandate by a person or groups of person if it considers that a provider or a user has infringed any of the rights or obligations set out in this Regulation.

Or. en

Amendment 2782

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

Proposal for a regulation **Article 68 c (new)**

Text proposed by the Commission

Amendment

Article 68 c

Remedies

1. Without prejudice to any available administrative or non-judicial remedy and the right to lodge a complaint with a supervisory authority pursuant to Article 68a, any natural person shall have the right to an effective judicial remedy against a provider or deployer where they consider that their rights under this Regulation have been infringed or has been subject to an AI system otherwise in non-compliance with this Regulation.

2. Any person who has suffered material

or non-material harm, as a result of an infringement of this Regulation shall have the right to receive compensation from the provider or deployer for the damage suffered. Individuals and their representatives shall be able to seek judicial and non-judicial remedies against providers or deployers of AI systems, including repair, replacement, price reduction, contract termination, reimbursement of the price paid or compensation for material and immaterial damages, for breaches of the rights and obligations set out in this Regulation.

3. Providers and deployers of AI systems which may affect individuals, including AI-subjects, or consumers must provide an effective complaint handling system which enables complaints to be lodged electronically and free of charge, and ensure that complaints submitted through this system are dealt with in an efficient and expedient manner.

4. Providers and deployers of AI systems shall ensure that their internal complaint-handling systems are easy to access, user-friendly and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints.

5. Where an AI system infringes this Regulation, any natural or legal person affected by said AI system may ask the supervisory authority or judicial authorities to stop the use of this system.

6. Member States shall ensure that where infringements of an AI system are imminent or likely, any affected natural or legal person may seek a prohibitory injunction under national law.

Or. en

Amendment 2783

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 68 c (new)

Text proposed by the Commission

Amendment

Article 68 c

Amendment to Directive 2020/1828/EC on Representative Actions for the Protection of the Collective Interests of Consumers

The following is added to Annex I of Directive 2020/1828/EC on Representative actions for the protection of the collective interests of consumers: “Regulation xxxx/xxxx of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (artificial intelligence act) and amending certain union legislative acts”.

Or. en

Amendment 2784

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

Proposal for a regulation
Article 68 d (new)

Text proposed by the Commission

Amendment

Article 68 d

Representation of individuals

1. Without prejudice to Directive 2020/1828/EC, individuals shall have the right to mandate a body, organisation or association to exercise the rights referred to in Articles 68a, 68b and 68c and, where relevant, the rights of AI subjects, on their behalf, provided that the body, organisation or association meets all of the following conditions:

- a) It operates on a not-for-profit basis;***
- b) It has been constituted in accordance of the law of a Member State;***

c) Its statutory objectives include a legitimate interest in ensuring that this Regulation is complied with.

2. Without prejudice to Directive 2020/1828/EC, the bodies, organisations or associations referred to in paragraph 1 shall have the right to exercise the rights established in Articles 68a, 68b and 68c independently of an individual's mandate, if they consider that a provider or user of an AI system has infringed any of the rights or obligations set out in this Regulation.

Or. en

Amendment 2785

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 68 d (new)

Text proposed by the Commission

Amendment

Article 68 d

Reporting of breaches and protection of reporting persons

Directive (EU) 2019/1937 of the European Parliament and of the Council shall apply to the reporting of breaches of this Regulation and the protection of persons reporting such breaches.

Or. en

Amendment 2786 Dragoş Tudorache

Proposal for a regulation Article 69 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission and the Member States shall encourage and facilitate the drawing up of codes of conduct intended to foster the **voluntary application to** AI systems other than high-risk AI systems of the requirements set out in Title III, Chapter 2 on the basis of technical specifications and solutions that are appropriate means of ensuring compliance with such requirements in light of the intended purpose of the systems.

1. The Commission, **AI Office**, and the Member States shall encourage and facilitate the drawing up of codes of conduct intended to foster the **development and use of safe and trustworthy AI for** AI systems other than high-risk AI systems. **These codes of conduct should be voluntary and should be based on** the requirements set out in Title III, Chapter 2 on the basis of technical specifications and solutions that are appropriate means of ensuring compliance with such requirements **but be adapted** in light of the intended purpose of the systems **and of the lower risk involved**

Or. en

Amendment 2787

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

Proposal for a regulation Article 69 – paragraph 1

Text proposed by the Commission

1. The Commission and the **Member States** shall encourage and facilitate the drawing up of codes of conduct intended to foster the voluntary application to AI systems other than high-risk AI systems of the requirements set out in Title III, Chapter 2 on the basis of technical specifications and solutions that are appropriate means of ensuring compliance with such requirements in light of the intended purpose of the systems.

Amendment

1. The Commission and the **board** shall encourage and facilitate the drawing up of codes of conduct intended to foster the voluntary application to AI systems other than high-risk AI systems of the requirements set out in Title III, Chapter 2 on the basis of technical specifications and solutions that are appropriate means of ensuring compliance with such requirements in light of the intended purpose of the systems.

Or. en

Amendment 2788

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation Article 69 – paragraph 1 a (new)

1 a. The Commission and the Board shall encourage and facilitate the drawing up of Codes of Conduct intended to foster the voluntary application of the concept of trustworthy AI set out in Article 4(a) to AI systems other than high-risk AI systems on the basis of technical specifications and solutions that are appropriate means of ensuring compliance with such requirements in light of the intended purpose of the system.

Or. en

Amendment 2789

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

**Proposal for a regulation
Article 69 – paragraph 2**

Text proposed by the Commission

Amendment

2. The Commission and the Board shall encourage and facilitate the drawing up of codes of conduct intended to foster the voluntary application to AI systems of requirements related for example to environmental sustainability, accessibility for persons with a disability, stakeholders participation in the design and development of the AI systems **and diversity of development teams** on the basis of clear objectives and key performance indicators to measure the achievement of those objectives.

2. The Commission and the Board shall encourage and facilitate the drawing up of codes of conduct intended to foster the voluntary application to AI systems of requirements related for example to environmental sustainability, accessibility for persons with a disability **and** stakeholders' participation in the design and development of the AI systems on the basis of clear objectives and key performance indicators to measure the achievement of those objectives.

Or. fr

Amendment 2790

Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănu a, Ramona Strugariu, Dragoş P islaru, Lucia  uri  Nicholasov a, Irena Joveva, Alin Mitu a

Proposal for a regulation
Article 69 – paragraph 2

Text proposed by the Commission

2. The Commission and the **Board** shall encourage and facilitate the drawing up of codes of conduct intended to foster the voluntary application to AI systems of requirements related for example to environmental sustainability, accessibility for persons with a disability, stakeholders participation in the design and development of the AI systems and diversity of development teams on the basis of clear objectives and key performance indicators to measure the achievement of those objectives.

Amendment

2. The Commission and the **AI Office** shall encourage and facilitate the drawing up of codes of conduct intended to foster the voluntary application to AI systems of requirements related for example to environmental sustainability, accessibility for persons with a disability, stakeholders participation in the design and development of the AI systems and diversity of development teams on the basis of clear objectives and key performance indicators to measure the achievement of those objectives.

Or. en

Amendment 2791
Dragoş Tudorache

Proposal for a regulation
Article 69 – paragraph 3

Text proposed by the Commission

3. Codes of conduct may be drawn up by individual providers of AI systems or by organisations representing them or by **both**, including with the involvement of users and any interested stakeholders and their representative organisations. Codes of conduct may cover one or more AI systems taking into account the similarity of the intended purpose of the relevant systems.

Amendment

3. Codes of conduct may be drawn up by individual providers of AI systems or by organisations representing them or by **the Commission or the AI Office**, including with the involvement of users and any interested stakeholders and their representative organisations. Codes of conduct may cover one or more AI systems taking into account the similarity of the intended purpose of the relevant systems.

Or. en

Amendment 2792
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituţa

Proposal for a regulation
Article 69 – paragraph 4

Text proposed by the Commission

4. The Commission and the **Board** shall take into account the specific interests and needs of the small-scale providers and start-ups when encouraging and facilitating the drawing up of codes of conduct.

Amendment

4. The Commission and the **AI Office** shall take into account the specific interests and needs of the small-scale providers and start-ups when encouraging and facilitating the drawing up of codes of conduct.

Or. en

Amendment 2793

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

Proposal for a regulation
Article 69 – paragraph 4

Text proposed by the Commission

4. The Commission and the Board shall take into account the specific interests and needs of **the small-scale providers** and start-ups when encouraging and facilitating the drawing up of codes of conduct.

Amendment

4. The Commission and the Board shall take into account the specific interests and needs of **SMEs** and start-ups when encouraging and facilitating the drawing up of codes of conduct.

Or. en

Amendment 2794

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 69 – paragraph 4

Text proposed by the Commission

4. The Commission and the Board shall take into account the specific interests and needs of the **small-scale providers** and start-ups when encouraging and facilitating the drawing up of codes of conduct.

Amendment

4. The Commission and the Board shall take into account the specific interests and needs of the **SMEs** and start-ups when encouraging and facilitating the drawing up of codes of conduct.

Or. en

Amendment 2795

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 70 – paragraph 1 – introductory part

Text proposed by the Commission

1. National competent authorities and notified bodies involved in the application of this Regulation shall **respect** the confidentiality of information and data obtained in carrying out their tasks and activities in such a manner as to protect, in particular:

Amendment

1. National competent **authorities, market surveillance** authorities and notified bodies involved in the application of this Regulation shall **put effective cybersecurity, technical and organisational measures in place to ensure** the confidentiality of information and data obtained in carrying out their tasks and activities in such a manner as to protect, in particular:

Or. en

Amendment 2796

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

Proposal for a regulation

Article 70 – paragraph 1 – introductory part

Text proposed by the Commission

1. National competent authorities **and** notified bodies involved in the application of this Regulation shall **respect** the confidentiality of information and data obtained in carrying out their tasks and activities in such a manner as to protect, in particular:

Amendment

1. National competent authorities, notified bodies, **the Commission, the Board, and any other natural or legal person** involved in the application of this Regulation shall, **in accordance with Union or national law, put appropriate technical and organisational measures in place to ensure** the confidentiality of information and data obtained in carrying out their tasks and activities in such a manner as to protect, in particular:

Or. en

Amendment 2797

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

Proposal for a regulation

Article 70 – paragraph 1 – introductory part

Text proposed by the Commission

1. National competent authorities and notified bodies involved in the application of this Regulation shall respect the confidentiality of information and data obtained in carrying out their tasks and activities in such a manner as to protect, in particular:

Amendment

1. ***National supervisory authorities,*** national competent authorities and notified bodies involved in the application of this Regulation shall respect the confidentiality of information and data obtained in carrying out their tasks and activities in such a manner as to protect, in particular:

Or. en

Amendment 2798

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

Proposal for a regulation

Article 70 – paragraph 1 – introductory part

Text proposed by the Commission

1. National competent authorities and notified bodies involved in the application of this Regulation shall respect the confidentiality of information and data obtained in carrying out their tasks and activities in such a manner as to protect, in particular:

Amendment

1. ***The Commission, the AI Office,*** national competent authorities and notified bodies involved in the application of this Regulation shall respect the confidentiality of information and data obtained in carrying out their tasks and activities in such a manner as to protect, in particular:

Or. en

Amendment 2799

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 70 – paragraph 1 – point a

Text proposed by the Commission

(a) intellectual property rights, and confidential business information or trade secrets of a natural or legal person, including source code, except the cases referred to in Article 5 of Directive 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure apply.

Amendment

(a) intellectual property rights, and confidential business information or trade secrets of a natural or legal person ***in line with the 2016 EU Trade Secrets Directive (Directive 2016/943) as well as the 2004 Directive on the enforcement of intellectual property rights (Directive 2004/48/EC)***, including source code, except the cases referred to in Article 5 of Directive 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure apply.

Or. en

Amendment 2800
Marion Walsmann

Proposal for a regulation
Article 70 – paragraph 1 – point a

Text proposed by the Commission

(a) intellectual property rights, and confidential business information or trade secrets of a natural or legal person, including source code, except the cases referred to in Article 5 of Directive 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure apply.

Amendment

(a) intellectual property rights, and confidential business information ***or professional secrecy*** or trade secrets of a natural or legal person, including source code, except the cases referred to in Article 5 of Directive 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure apply.

Or. en

Amendment 2801
Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 70 – paragraph 1 – point a

Text proposed by the Commission

(a) ***intellectual property rights, and*** confidential business information or trade secrets of a natural or legal person, ***including source code***, except the cases referred to in Article 5 of Directive 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure apply.

Amendment

(a) confidential business information or trade secrets of a natural or legal person, except the cases referred to in Article 5 of Directive 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure apply.

Or. en

Amendment 2802

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 70 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) the principles of purpose limitation and data minimization, meaning that national competent authorities minimize the quantity of data requested for disclosure in line with what is absolutely necessary for the perceived risk and its assessment, and they must not keep the data for any longer than absolutely necessary.

Or. en

Amendment 2803

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

Proposal for a regulation

Article 70 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) the principles of purpose limitation and data minimization, meaning that

national competent authorities minimize the quantity of data requested for disclosure inline with what is absolutely necessary for the perceived risk and its assessment, and they must not keep the data for any longer than absolutely necessary;

Or. en

Amendment 2804
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 70 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. In cases where the activity of national competent authorities, market surveillance authorities and notified bodies pursuant to the provisions of this Article results in a breach of intellectual property rights, Member States shall provide for the measures, procedures and remedies necessary to ensure the enforcement of the intellectual property rights in full application of Directive 2004/48/EC on the enforcement of intellectual property rights.

Or. en

Amendment 2805
Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation
Article 70 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Where the activities of national competent authorities and bodies notified under the provisions of this Article infringe intellectual property rights, Member States shall provide for the

measures, procedures and remedies necessary to ensure the enforcement of intellectual property rights in full application of Directive 2004/48/EC on the enforcement of intellectual property rights.

Or. en

Amendment 2806

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

Proposal for a regulation

Article 70 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The Commission, the Board, national supervisory authorities, national competent authorities and notified bodies involved in the application of this Regulation shall put in place adequate cybersecurity and organisational measures to protect the security and confidentiality of the information and data obtained in carrying out their tasks and activities.

Or. en

Amendment 2807

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 70 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. Information and data collected by national competent authorities and notified bodies and referred to in Paragraph 1 shall be:

a) collected for specified, explicit and legitimate purposes and not further processed in a way incompatible with

those purposes; further processing for archiving purposes in the public interest, for scientific or historical research purposes or for statistical purposes shall not be considered incompatible with the original purposes ("purpose limitation");

b) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');

Or. en

Amendment 2808

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

Proposal for a regulation

Article 70 – paragraph 2 – introductory part

Text proposed by the Commission

2. Without prejudice to paragraph 1, information exchanged on a confidential basis between the national competent authorities and between national competent authorities and the Commission shall not be disclosed without the prior consultation of the originating national competent authority and the *user* when high-risk AI systems referred to in points 1, 6 and 7 of Annex III are used by law enforcement, immigration or asylum authorities, when such disclosure would jeopardise public *and* national security *interests*.

Amendment

2. Without prejudice to paragraph 1, information exchanged on a confidential basis between the national competent authorities and between national competent authorities and the Commission shall not be disclosed without the prior consultation of the originating national competent authority and the *deployer* when high-risk AI systems referred to in points 1, 6 and 7 of Annex III are used by law enforcement, immigration or asylum authorities, when such disclosure would jeopardise public *or* national security.

Or. en

Amendment 2809

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

Proposal for a regulation

Article 70 – paragraph 2 – introductory part

Text proposed by the Commission

2. Without prejudice to **paragraph 1**, information exchanged on a confidential basis **between** the national **competent** authorities **and between** national competent authorities and the Commission shall not be disclosed without the prior consultation of the originating **national competent** authority and the user when high-risk AI systems referred to in points 1, 6 and 7 of Annex III are used by law enforcement, immigration or asylum authorities, when such disclosure would jeopardise public and national security interests.

Amendment

2. Without prejudice to **paragraphs 1 and 1a**, information exchanged on a confidential basis **among** the national **supervisory** authorities, national competent authorities and the Commission shall not be disclosed without the prior consultation of the originating authority and the user when high-risk AI systems referred to in points 1, 6 and 7 of Annex III are used by law enforcement, immigration or asylum authorities, when such disclosure would jeopardise public and national security interests.

Or. en

Amendment 2810

Andrea Caroppo, Salvatore De Meo

Proposal for a regulation

Article 70 – paragraph 4

Text proposed by the Commission

4. The Commission and Member States may exchange, where necessary, confidential information with regulatory authorities of third countries with which they have concluded bilateral or multilateral confidentiality arrangements guaranteeing an adequate level of confidentiality.

Amendment

4. The Commission and Member States may exchange, where necessary **and in compliance with trade agreements between the EU and third countries that may apply**, confidential information with regulatory authorities of third countries with which they have concluded bilateral or multilateral confidentiality arrangements guaranteeing an adequate level of confidentiality.

Or. en

Amendment 2811

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 70 – paragraph 4

Text proposed by the Commission

4. The Commission and Member States may exchange, where necessary, confidential information with regulatory authorities of third countries with which they have concluded bilateral or multilateral confidentiality arrangements guaranteeing an adequate level of confidentiality.

Amendment

4. The Commission and Member States may, ***if consistent with the provisions contained in EU trade agreements with third countries,*** exchange, where necessary, confidential information with regulatory authorities of third countries with which they have concluded bilateral or multilateral confidentiality arrangements guaranteeing an adequate level of confidentiality.

Or. en

Amendment 2812

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

Proposal for a regulation

Article 70 a (new)

Text proposed by the Commission

Amendment

Article 70 a

Administrative fines

1. Each national supervisory authority shall ensure that the imposition of administrative fines pursuant to this Article in respect of infringements of this Regulation shall in each individual case be effective, proportionate and dissuasive.

2. When deciding whether to impose an administrative fine and deciding on the amount of the administrative fine in each individual case due regard shall be given to the following:

(a) the nature, gravity and duration of the infringement taking into account the nature, scope or purpose of the processing concerned as well as, where appropriate, the number of affected persons and the level of harm suffered by them;

(b) the intentional or negligent character of the infringement;

(c) any action taken by the operator to mitigate the harm suffered by the users or the affected persons;

(d) the degree of responsibility of the operator taking into account the technical and organisational measures implemented by them;

(e) any relevant previous infringements by the operator;

(f) the degree of cooperation with the national supervisory authority, in order to remedy the infringement and mitigate the possible adverse effects of the infringement, including compliance with any of the measures previously ordered by the national supervisory authority with regard to the same subject matter

(g) the manner in which the infringement became known to the national supervisory authority, in particular whether, and if so to what extent, the operator notified the infringement;

(h) adherence to approved codes of conduct or approved certification mechanisms; and

(i) any other aggravating or mitigating factor applicable to the circumstances of the case, such as financial benefits gained, or losses avoided, directly or indirectly, from the infringement.

3. If an operator, intentionally or negligently, infringes several provisions of this Regulation, the total amount of the administrative fine shall not exceed the amount specified for the gravest infringement.

4. The non-compliance of the AI system with the prohibition of the artificial intelligence practices referred to in Article 5 shall be subject to administrative fines of up to 50 000 000 or, if the offender is a company, up to 10% of its total worldwide annual turnover for the preceding financial year, whichever is higher.

5. The non-compliance of the AI system with the requirements laid down in

Article 10 shall be subject to administrative fines of up to 40 000 000 EUR or, if the offender is a company, up to 8 % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

6. The non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to 30 000 000 EUR or, if the offender is a company, up to 6 % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

7. The supply of incorrect, incomplete or misleading information to notified bodies and national competent authorities in reply to a request shall be subject to administrative fines of up to 20 000 000 EUR or, if the offender is a company, up to 4 % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

8. Without prejudice to the corrective powers of national supervisory authorities, each Member State may lay down the rules on whether and to what extent administrative fines may be imposed on public authorities and bodies established in that Member State.

9. The exercise by the national supervisory authority of its powers under this Article shall be subject to appropriate procedural safeguards in accordance with Union and Member State law, including effective judicial remedy and due process.

10. Where the legal system of the Member State does not provide for administrative fines, this Article may be applied in such a manner that the fine is initiated by the national supervisory authority and imposed by competent national courts, while ensuring that those legal remedies are effective and have an equivalent effect to the administrative fines imposed by national supervisory authorities. In any event, the fines imposed shall be effective,

proportionate and dissuasive. Those Member States shall notify to the Commission the provisions of their laws which they adopt pursuant to this paragraph by [3 months after entry into force] and, without delay, any subsequent amendment law or amendment affecting them.

Or. en

Amendment 2813

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

Proposal for a regulation

Article 70 b (new)

Text proposed by the Commission

Amendment

Article 70 b

Right for removal and injunction

1. If an AI system infringes this Regulation each natural or legal person affected by said AI system may require the user of this system to stop the use and to remove the infringement.

2. If further infringements of an AI system are to be feared, each affected natural or legal person may seek a prohibitory injunction.

Or. en

Amendment 2814

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

Proposal for a regulation

Article 71 – paragraph 1

Text proposed by the Commission

Amendment

1. In compliance with the terms and conditions laid down in this Regulation, Member States shall lay down the rules on

1. In compliance with the terms and conditions laid down in this Regulation, Member States shall lay down the rules on

penalties, including administrative fines, applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are properly and effectively implemented. The penalties provided for shall be effective, proportionate, and dissuasive. They shall take into particular account the interests of small-scale providers and *start-up* and their economic viability.

penalties, including administrative fines, applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are properly and effectively implemented. The penalties provided for shall be effective, proportionate, and dissuasive. They shall take into particular account the interests of small-scale providers and *start-ups* and their economic viability, ***as well as the extent to which the infringement was intentionally committed and the extent of the harm sustained.***

Or. fr

Amendment 2815

Andrea Caroppo, Salvatore De Meo

Proposal for a regulation

Article 71 – paragraph 1

Text proposed by the Commission

1. In compliance with the terms and conditions laid down in this Regulation, Member States shall lay down the rules on penalties, including administrative fines, applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are properly and effectively implemented. The penalties provided for shall be effective, proportionate, and dissuasive. They shall take into particular account the interests of small-scale providers and start-up and their economic viability.

Amendment

1. In compliance with the terms and conditions laid down in this Regulation, Member States shall lay down the rules on penalties, including administrative fines, applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are properly and effectively implemented ***and aligned with the guidelines issued by the Board, as referred to in Article 58 (c) (iii).*** The penalties provided for shall be effective, proportionate, and dissuasive. They shall take into particular account the interests of small-scale providers and start-up and their economic viability.

Or. en

Amendment 2816

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

Proposal for a regulation
Article 71 – paragraph 1

Text proposed by the Commission

1. In compliance with the terms and conditions laid down in this Regulation, Member States shall lay down the rules on penalties, including administrative fines, applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are properly and effectively implemented. The penalties provided for shall be effective, proportionate, and dissuasive. ***They shall take into particular account the interests of small-scale providers and start-up and their economic viability.***

Amendment

1. In compliance with the terms and conditions laid down in this Regulation, Member States shall lay down the rules on penalties, including administrative fines, applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are properly and effectively implemented. The penalties provided for shall be effective, proportionate, and dissuasive.

Or. en

Amendment 2817

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

Proposal for a regulation
Article 71 – paragraph 1

Text proposed by the Commission

1. In compliance with the terms and conditions laid down in this Regulation, Member States shall lay down the rules on penalties, including administrative fines, applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are properly and effectively implemented. The penalties provided for shall be effective, proportionate, and dissuasive. They shall take into particular account the interests of ***small-scale providers and start-up*** and their economic viability.

Amendment

1. In compliance with the terms and conditions laid down in this Regulation, ***the Commission in consultation with*** Member States shall lay down the rules on penalties, including administrative fines, applicable to infringements of this Regulation and ***in cooperation with Member States*** shall take all measures necessary to ensure that they are properly and effectively implemented. The penalties provided for shall be effective, proportionate, and dissuasive. They shall take into particular account the ***size and the*** interests of ***SME*** providers ***including start-ups*** and their economic viability.

Or. en

Amendment 2818

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 71 – paragraph 1

Text proposed by the Commission

1. In compliance with the terms and conditions laid down in this Regulation, Member States shall lay down the rules on penalties, including administrative fines, applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are properly and effectively implemented. The penalties provided for shall be effective, proportionate, and dissuasive. They shall take into particular account the interests of **small-scale providers** and start-up and their economic viability.

Amendment

1. In compliance with the terms and conditions laid down in this Regulation, Member States shall lay down the rules on penalties, including administrative fines, applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are properly and effectively implemented **and aligned with the guidelines issued by the Board, as referred to in Article 58 (c) (iii)**. The penalties provided for shall be effective, proportionate, and dissuasive. They shall take into particular account the interests of **SMEs** and start-up and their economic viability.

Or. en

Amendment 2819

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

Proposal for a regulation

Article 71 – paragraph 1

Text proposed by the Commission

1. In compliance with the terms and conditions laid down in this Regulation, Member States shall lay down the rules on penalties, **including administrative fines**, applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are properly and effectively implemented. The penalties provided for shall be effective, proportionate, and dissuasive. **They shall take into particular account the interests**

Amendment

1. In compliance with the terms and conditions laid down in this Regulation, Member States shall lay down the rules on penalties, applicable to infringements of this Regulation, **in particular for infringements which are not subject to administrative fines pursuant to Article 70a**, and shall take all measures necessary to ensure that they are properly and effectively implemented. The penalties provided for shall be effective,

of small-scale providers and start-up and their economic viability.

proportionate, and dissuasive.

Or. en

Amendment 2820

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

Proposal for a regulation

Article 71 – paragraph 1

Text proposed by the Commission

1. In compliance with the terms and conditions laid down in this Regulation, Member States shall lay down the rules on penalties, including administrative fines, applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are properly and effectively implemented. The penalties provided for shall be effective, proportionate, and dissuasive. They shall take into particular account the interests of small-scale providers and *start-up* and their economic viability.

Amendment

1. In compliance with the terms and conditions laid down in this Regulation, Member States shall lay down the rules on penalties, including administrative fines, applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are properly and effectively implemented. The penalties provided for shall be effective, proportionate, and dissuasive. They shall take into particular account the interests *and size* of small-scale providers and *start-ups* and their economic viability.

Or. en

Amendment 2821

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

Proposal for a regulation

Article 71 – paragraph 1

Text proposed by the Commission

1. In compliance with the terms and conditions laid down in this Regulation, Member States shall lay down the rules on penalties, including administrative fines, applicable to infringements of this

Amendment

1. In compliance with the terms and conditions laid down in this Regulation, Member States shall lay down the rules on penalties, including administrative fines, applicable to infringements of this

Regulation and shall take all measures necessary to ensure that they are properly and effectively implemented. The penalties provided for shall be effective, proportionate, and dissuasive. They shall take into particular account the interests of *small-scale providers and start-up* and their economic viability.

Regulation and shall take all measures necessary to ensure that they are properly and effectively implemented. The penalties provided for shall be effective, proportionate, and dissuasive. They shall take into particular account the *size and* interests of *SMEs and start-ups* and their economic viability

Or. en

Amendment 2822

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 71 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. In cases where administrative fines have been imposed under Article 83 of Regulation 2016/679, no further penalties shall be imposed on operators under the AI Act.

Or. en

Amendment 2823

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

Proposal for a regulation

Article 71 – paragraph 2

Text proposed by the Commission

Amendment

2. The Member States shall notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

deleted

Or. en

Amendment 2824

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

Proposal for a regulation

Article 71 – paragraph 2

Text proposed by the Commission

2. The Member States shall notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Amendment

2. The Member States shall notify ***[by 3 months following the date of entry into force of this Regulation]*** the Commission ***and the Board*** of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Or. en

Amendment 2825

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 71 – paragraph 2

Text proposed by the Commission

2. The Member States shall notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Amendment

2. ***Within [three months following the entry into force of this Regulation],*** the Member States shall notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Or. en

Amendment 2826

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 71 – paragraph 2

Text proposed by the Commission

2. **The** Member States shall notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Amendment

2. Member States shall notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Or. en

Amendment 2827

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

**Proposal for a regulation
Article 71 – paragraph 2**

Text proposed by the Commission

2. The Member States shall notify the Commission of those rules and of those measures and ***shall notify it, without delay,*** of any subsequent amendment affecting them.

Amendment

2. The Member States shall ***without delay*** notify the Commission of those rules and of those measures and of any subsequent amendment affecting them.

Or. en

Amendment 2828

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 71 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2 a. The non-compliance of the AI system with the prohibition of the practices referred to in Article 5 shall be subject to administrative fines of up to 50 000 000 EUR or, if the offender is a company, up to 10% of its total worldwide annual turnover for the preceding financial year, whichever is higher.

Justification

Penalties for prohibited practices need to be truly dissuasive and cannot be at the same level as violations of Article 10.

Amendment 2829

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

**Proposal for a regulation
Article 71 – paragraph 3**

Text proposed by the Commission

Amendment

- 3. The following infringements shall be subject to administrative fines of up to 30 000 000 EUR or, if the offender is company, up to 6 % of its total worldwide annual turnover for the preceding financial year, whichever is higher:**
- (a) non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5;**
- (b) non-compliance of the AI system with the requirements laid down in Article 10.**
- deleted*

Or. en

Amendment 2830

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

**Proposal for a regulation
Article 71 – paragraph 3 – introductory part**

Text proposed by the Commission

Amendment

- 3. The following infringements shall be subject to administrative fines of up to 30 000 000 EUR or, if the offender is company, up to 6 % of its total worldwide annual turnover for the preceding financial year, whichever is higher:**
- 3. Non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5 shall be subject to administrative fines of up to 20 000 000 EUR or, if the offender is a company, up to 4 % of its total worldwide annual turnover for the preceding**

financial year, and in case of SMEs and start-ups, up to 3% of its worldwide annual turnover for the preceding financial year, whichever is higher.

Or. en

Amendment 2831

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

Proposal for a regulation

Article 71 – paragraph 3 – introductory part

Text proposed by the Commission

3. *The following infringements* shall be subject to administrative fines of up to 30 000 000 EUR or, if the offender is company, up to 6 % of its total worldwide annual turnover for the preceding financial year, whichever is higher:

Amendment

3. *Non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5* shall be subject to administrative fines of up to 30 000 000 EUR or, if the offender is a company, up to 6 % of its total worldwide annual turnover for the preceding financial year, whichever is higher;

Or. en

Amendment 2832

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 71 – paragraph 3 – introductory part

Text proposed by the Commission

3. The *following infringements* shall be subject to administrative fines of up to **30 000 000** EUR or, if the offender is company, up to **6** % of its total worldwide annual turnover for the preceding financial year, whichever is higher:

Amendment

3. The *non-compliance of the AI system with the requirements laid down in Article 10* shall be subject to administrative fines of up to **40 000 000** EUR or, if the offender is a company, up to **8** % of its total worldwide annual turnover for the preceding financial year, whichever is

higher.

Or. en

Amendment 2833

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 71 – paragraph 3 – introductory part

Text proposed by the Commission

3. *The following infringements* shall be subject to administrative fines of up to **30 000 000** EUR or, if the offender is company, up to **6** % of its total worldwide annual turnover for the preceding financial year, whichever is higher:

Amendment

3. *Non-compliance with the prohibition of the AI practices referred to in Article 5* shall be subject to administrative fines of up to **20 000 000** EUR or, if the offender is *a* company, up to **4%** of its total worldwide annual turnover for the preceding financial year, whichever is higher.

Or. en

Amendment 2834

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

Proposal for a regulation

Article 71 – paragraph 3 – introductory part

Text proposed by the Commission

3. The following infringements shall be subject to administrative fines of up to **30 000 000** EUR or, if the offender is company, up to **6** % of its total worldwide annual turnover for the preceding financial year, whichever is higher:

Amendment

3. The following infringements shall be subject to administrative fines of up to **1 000 000 000** EUR or, if the offender is *a* company, up to **10** % of its total worldwide annual turnover for the preceding financial year, whichever is higher:

Or. fr

Justification

Given the seriousness of the practices outlawed under Article 5, the penalties must be dissuasive.

Amendment 2835

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

Proposal for a regulation

Article 71 – paragraph 3 – introductory part

Text proposed by the Commission

3. The following infringements shall be subject to administrative fines of up to 30 000 000 EUR or, if the offender is company, up to **6** % of its total worldwide annual turnover for the preceding financial year, whichever is higher:

Amendment

3. The following infringements shall be subject to administrative fines of up to 30 000 000 EUR or, if the offender is **a** company, up to **10** % of its total worldwide annual turnover for the preceding financial year, whichever is higher:

Or. en

Amendment 2836

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 71 – paragraph 3 – point a

Text proposed by the Commission

(a) non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5;

Amendment

deleted

Or. en

Amendment 2837

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 71 – paragraph 3 – point a

Text proposed by the Commission

(a) non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5;

Amendment

deleted

Amendment 2838

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

Proposal for a regulation

Article 71 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5; *deleted*

Or. en

Amendment 2839

Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Malik Azmani, Svenja Hahn, Morten Løkkegaard, Alin Mituța

Proposal for a regulation

Article 71 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5; *deleted*

Or. en

Amendment 2840

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

Proposal for a regulation

Article 71 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) non-compliance of the AI system with the requirements laid down in Article *deleted*

10.

Or. en

Amendment 2841

Jürgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation

Article 71 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) non-compliance of the AI system with the requirements laid down in Article 10. *deleted*

Or. en

Justification

Such very substantial fines should only be issued for the most serious breaches of the Regulation, for example the putting into service of explicitly prohibited AI systems, not in cases when, for example, a dataset is found to have errors.

Amendment 2842

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

Proposal for a regulation

Article 71 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) non-compliance of the AI system with the requirements laid down in Article 10. *deleted*

Or. en

Amendment 2843

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 71 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) non-compliance of the AI system with the requirements laid down in Article 10. *deleted*

Or. en

Amendment 2844

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 71 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) non-compliance of the AI system with the requirements laid down in Article 10. *deleted*

Or. en

Amendment 2845

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

Proposal for a regulation

Article 71 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Non-compliance of the AI system with the requirements laid down in Article 10 shall be subject to administrative fines of up to 20 000 000 EUR or, if the offender is a company, up to 4 % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

Or. en

Amendment 2846

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

Proposal for a regulation

Article 71 – paragraph 4

Text proposed by the Commission

Amendment

4. The non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to 20 000 000 EUR or, if the offender is a company, up to 4 % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

deleted

Or. en

Amendment 2847

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 71 – paragraph 4

Text proposed by the Commission

Amendment

4. The non-compliance of the AI system with **any** requirements or obligations under this Regulation, other than those laid down in Articles 5 **and 10**, shall be subject to administrative fines of up to **20 000 000** EUR or, if the offender is a company, up to **4** % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

4. The **grossly negligent** non-compliance **by the provider or user** of the AI system with **the respective** requirements or obligations under this Regulation, other than those laid down in Articles 5, shall be subject to administrative fines of up to **10 000 000** EUR or, if the offender is a company, up to **2** % of its total worldwide annual turnover for the preceding financial year, whichever is higher, **and in case of SMEs and start-ups, up to 1% of its worldwide annual turnover for the preceding financial year, whichever is higher.**

Or. en

Amendment 2848

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

Proposal for a regulation

Article 71 – paragraph 4

Text proposed by the Commission

4. The non-compliance of the **AI system** with any requirements or obligations under this Regulation, other than those laid down in **Articles 5 and 10**, shall be subject to administrative fines of up to **20 000 000** EUR or, if the offender is a company, up to **4** % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

Amendment

4. The **grossly negligent** non-compliance **by the provider or the user** of the **AI system** with any requirements or obligations under this Regulation, other than those laid down in **Article 5**, shall be subject to administrative fines of up to **10 000 000** EUR or, if the offender is a company, up to **2** % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

Or. en

Amendment 2849

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

Proposal for a regulation

Article 71 – paragraph 4

Text proposed by the Commission

4. The non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to **20 000 000** EUR or, if the offender is a company, up to **4** % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

Amendment

4. The non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to **30 000 000** EUR or, if the offender is a company, up to **6** % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

Or. en

Amendment 2850

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

Proposal for a regulation

Article 71 – paragraph 4

Text proposed by the Commission

4. The non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to 20 000 000 EUR or, if the offender is a company, up to 4 % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

Amendment

4. The non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to 20 000 000 EUR or, if the offender is a company, up to 7 % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

Or. en

Amendment 2851

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

Proposal for a regulation

Article 71 – paragraph 4

Text proposed by the Commission

4. The non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to 20 000 000 EUR or, if the offender is a company, up to 4 % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

Amendment

4. The non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to 20 000 000 EUR or, if the offender is a company, up to 6 % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

Or. en

Amendment 2852

Jürgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation
Article 71 – paragraph 4

Text proposed by the Commission

4. The non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to **20 000 000** EUR or, if the offender is a company, up to **4** % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

Amendment

4. The non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to **1 000 000** EUR or, if the offender is a company, up to **1** % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

Or. en

Amendment 2853

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

Proposal for a regulation
Article 71 – paragraph 4

Text proposed by the Commission

4. **The** non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to **20 000 000** EUR or, if the offender is a company, up to **4** % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

Amendment

4. Non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to **10 000 000** EUR or, if the offender is a company, up to **2** % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

Or. en

Amendment 2854

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

Proposal for a regulation
Article 71 – paragraph 5

Text proposed by the Commission

Amendment

5. The supply of incorrect, incomplete or misleading information to notified bodies and national competent authorities in reply to a request shall be subject to administrative fines of up to 10 000 000 EUR or, if the offender is a company, up to 2 % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

deleted

Or. en

Amendment 2855

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 71 – paragraph 5

Text proposed by the Commission

Amendment

5. The supply of incorrect, incomplete or misleading information to notified bodies and national competent authorities in reply to a request shall be subject to administrative fines of up to 10 000 000 EUR or, if the offender is a company, up to 2 % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

5. The supply of incorrect, incomplete or misleading information to notified bodies and national competent authorities in reply to a request shall be subject to administrative fines of up to 10 000 000 EUR or, if the offender is a company, up to 2 % of its total worldwide annual turnover for the preceding financial year, whichever is higher **and in case of SMEs and start-ups, up to 1% of its worldwide annual turnover for the preceding financial year, whichever is higher.**

Or. en

Amendment 2856

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

Proposal for a regulation

Article 71 – paragraph 5

Text proposed by the Commission

Amendment

5. The supply of incorrect, incomplete or misleading information to notified bodies and national competent authorities in reply to a request shall be subject to administrative fines of up to 10 000 000 EUR or, if the offender is a company, up to 2 % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

5. The supply of incorrect, incomplete or misleading information to notified bodies and national competent authorities in reply to a request shall be subject to administrative fines of up to 10 000 000 EUR or, if the offender is a company, up to 4 % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

Or. en

Amendment 2857

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

Proposal for a regulation **Article 71 – paragraph 5**

Text proposed by the Commission

5. The supply of incorrect, incomplete or misleading information to notified bodies and national competent authorities in reply to a request shall be subject to administrative fines of up to 10 000 000 EUR or, if the offender is a company, up to 2 % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

Amendment

5. The supply of incorrect, incomplete or misleading information to notified bodies and national competent authorities in reply to a request shall be subject to administrative fines of up to 10 000 000 EUR or, if the offender is a company, up to 4 % of its total worldwide annual turnover for the preceding financial year, whichever is higher.

Or. en

Amendment 2858

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

Proposal for a regulation **Article 71 – paragraph 5**

Text proposed by the Commission

5. The supply of incorrect, incomplete or misleading information to notified bodies and national competent authorities

Amendment

5. The supply of incorrect, incomplete or misleading information to notified bodies and national competent authorities

in reply to a request shall be subject to administrative fines of up to **10 000 000** EUR or, if the offender is a company, up to **2 %** of its total worldwide annual turnover for the preceding financial year, whichever is higher.

in reply to a request shall be subject to administrative fines of up to **20 000 000** EUR or, if the offender is a company, up to **4 %** of its total worldwide annual turnover for the preceding financial year, whichever is higher.

Or. en

Amendment 2859

Jürgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation

Article 71 – paragraph 5

Text proposed by the Commission

5. The supply of incorrect, ***incomplete*** or misleading information to notified bodies and national competent authorities in reply to a request shall be subject to administrative fines of up to **10 000 000** EUR or, if the offender is a company, up to **2 %** of its total worldwide annual turnover for the preceding financial year, whichever is higher.

Amendment

5. The supply of incorrect or misleading information to notified bodies and national competent authorities in reply to a request shall be subject to administrative fines of up to **1 000 000** EUR or, if the offender is a company, up to **1 %** of its total worldwide annual turnover for the preceding financial year, whichever is higher.

Or. en

Amendment 2860

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

Proposal for a regulation

Article 71 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. Where trade secrets, intellectual property rights or data protection rights have been infringed in the development of an AI system, competent authorities may order the definitive deletion of that system and all associated training data and outputs.

Amendment 2861

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

Proposal for a regulation**Article 71 – paragraph 6**

Text proposed by the Commission

Amendment

6. When deciding on the amount of the administrative fine in each individual case, all relevant circumstances of the specific situation shall be taken into account and due regard shall be given to the following:

deleted

(a) the nature, gravity and duration of the infringement and of its consequences;

(b) whether administrative fines have been already applied by other market surveillance authorities to the same operator for the same infringement.

(c) the size and market share of the operator committing the infringement;

Or. en

Amendment 2862

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation**Article 71 – paragraph 6 – introductory part**

Text proposed by the Commission

Amendment

6. When deciding on the amount of the administrative fine in each individual case, all relevant circumstances of the specific situation shall be taken into account and due regard shall be given to the following:

6. ***Fines may be imposed in addition to or instead of non-monetary measures such as orders or warnings.*** When deciding ***on whether to impose a fine or*** on the amount of the administrative fine in each individual case, all relevant circumstances of the specific situation shall be taken into account and due regard shall be given to the following:

Amendment 2863

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 71 – paragraph 6 – point a

Text proposed by the Commission

(a) the nature, gravity and duration of the infringement and of its consequences;

Amendment

(a) the nature, gravity and duration of the infringement and of its consequences ***taking into account the nature, scope or purpose of the AI system concerned, as well as the number of individuals affected, and the level of damage suffered by them;***

Or. en

Amendment 2864

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

Proposal for a regulation

Article 71 – paragraph 6 – point b

Text proposed by the Commission

(b) whether administrative fines have been already applied by other market surveillance authorities to the same operator for the same infringement.

Amendment

(b) whether administrative fines have been already applied by other market surveillance authorities ***of one or more Member States*** to the same operator for the same infringement.

Or. en

Amendment 2865

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

Proposal for a regulation

Article 71 – paragraph 6 – point c

Text proposed by the Commission

Amendment

(c) the size and market share of the operator committing the infringement;

deleted

Or. en

Justification

Even small operators can cause major infringements of this Regulation that impact health, safety, fundamental rights, the environment or the values enshrined in Article 2 TEU, and therefore their size should not be a decisive element when deciding on the fines (even more so as they are calculated as a percentage of a company's turnover).

Amendment 2866

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

Proposal for a regulation

Article 71 – paragraph 6 – point c

Text proposed by the Commission

Amendment

(c) the size and market share of the operator committing the infringement;

(c) the size, **the annual turnover** and market share of the operator committing the infringement;

Or. en

Amendment 2867

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 71 – paragraph 6 – point c

Text proposed by the Commission

Amendment

(c) the size and market share of the operator committing the infringement;

(c) the size, **the annual turnover** and market share of the operator committing the infringement;

Or. en

Amendment 2868

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 71 – paragraph 6 – point c a (new)

Text proposed by the Commission

Amendment

(c a) any action taken by the provider to mitigate the harm or damage suffered by the affected persons;

Or. en

Amendment 2869

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 71 – paragraph 6 – point c a (new)

Text proposed by the Commission

Amendment

(c a) the intentional or negligent character of the infringement;

Or. en

Amendment 2870

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 71 – paragraph 6 – point c c (new)

Text proposed by the Commission

Amendment

(c c) the degree of cooperation with the national competent authorities, in order to remedy the infringement and mitigate the possible adverse effects of the infringement;

Or. en

Amendment 2871

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 71 – paragraph 6 – point c c (new)

Text proposed by the Commission

Amendment

(c c) any relevant previous infringements by the provider;

Or. en

Amendment 2872
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 71 – paragraph 6 – point c e (new)

Text proposed by the Commission

Amendment

(c e) any other aggravating or mitigating factor applicable to the circumstances of the case, such as financial benefits gained, or losses avoided, directly or indirectly, from the infringement;

Or. en

Amendment 2873
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 71 – paragraph 6 – point c e (new)

Text proposed by the Commission

Amendment

(c e) the manner in which the infringement became known to the national competent authority, in particular whether, and if so to what extent, the provider notified the infringement;

Or. en

Amendment 2874

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 71 – paragraph 6 – point c g (new)

Text proposed by the Commission

Amendment

(c g) in the context of paragraph 5 of this Article, the intentional or unintentional nature of the infringement.

Or. en

Amendment 2875

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

Proposal for a regulation

Article 71 – paragraph 7

Text proposed by the Commission

Amendment

7. Each Member State shall lay down rules on whether and to what extent administrative fines may be imposed on public authorities and bodies established in that Member State. **deleted**

Or. en

Amendment 2876

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

Proposal for a regulation

Article 71 – paragraph 7

Text proposed by the Commission

Amendment

7. Each Member State shall lay down rules on *whether and to what extent* administrative fines *may* be imposed on public authorities and bodies established in that Member State.

7. Each Member State shall lay down rules on administrative fines *to* be imposed on public authorities and bodies established in that Member State, *with a view to ensure compliance with this Regulation.*

Amendment 2877

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

**Proposal for a regulation
Article 71 – paragraph 8**

Text proposed by the Commission

Amendment

8. Depending on the legal system of the Member States, the rules on administrative fines may be applied in such a manner that the fines are imposed by competent national courts of other bodies as applicable in those Member States. The application of such rules in those Member States shall have an equivalent effect. **deleted**

Amendment 2878

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

**Proposal for a regulation
Article 71 – paragraph 8**

Text proposed by the Commission

Amendment

8. Depending on the legal system of the Member States, the rules on administrative fines may be applied in such a manner that the fines are imposed by competent national courts of other bodies as applicable in those Member States. The application of such rules in those Member States shall have an equivalent effect.

8. Depending on the legal system of the Member States, the rules on administrative fines may be applied in such a manner that the fines are imposed by competent national courts of other bodies as applicable in those Member States. The application of such rules in those Member States shall have an equivalent effect. ***In any event, the fines imposed shall be effective, proportionate and dissuasive.***

Amendment 2879

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

Proposal for a regulation

Article 71 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8 a. In respect of adopting administrative fines and of deciding on the amount of the administrative fine the procedure as set out in Article 68a, paragraphs 2 to 6, applies mutatis mutandis.

Or. en

Amendment 2880

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 71 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8 a. Administrative fines shall not be applied to a participant in a regulatory sandbox, who was acting in line with the recommendation issued by the supervisory authority.

Or. en

Amendment 2881

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

Proposal for a regulation

Article 71 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8 a. Administrative fines shall not be applied to a participant in a regulatory sandbox, who was acting in line with the recommendation issued by the supervisory

authority;

Or. en

Amendment 2882
Axel Voss, Deirdre Clune

Proposal for a regulation
Article 71 – paragraph 8 b (new)

Text proposed by the Commission

Amendment

8 b. *The penalties referred to in this article as well as the associated litigation costs and indemnification claims may not be the subject of contractual clauses or other form of burden-sharing agreements between the providers and distributors, importers, users, or any other third-parties.*

Or. en

Amendment 2883
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 71 – paragraph 8 c (new)

Text proposed by the Commission

Amendment

8 c. *The exercise by the market surveillance authority of its powers under this Article shall be subject to appropriate procedural safeguards in accordance with Union and Member State law, including effective judicial remedy and due process.*

Or. en

Amendment 2884
Pernando Barrena Arza, Kateřina Konečná, Cornelia Ernst, Elena Kountoura

Proposal for a regulation

Article 72 – paragraph 1 – introductory part

Text proposed by the Commission

1. The European Data Protection Supervisor may impose administrative fines on Union institutions, agencies and bodies ***falling within the scope of this Regulation***. When deciding whether to impose an administrative fine and deciding on the amount of the administrative fine in each individual case, all relevant circumstances of the specific situation shall be taken into account and due regard shall be given to the following:

Amendment

1. The European Data Protection Supervisor may impose administrative fines on Union institutions, agencies and bodies ***developing, deploying or operating AI systems***. When deciding whether to impose an administrative fine and deciding on the amount of the administrative fine in each individual case, all relevant circumstances of the specific situation shall be taken into account and due regard shall be given to the following:

Or. en

Amendment 2885

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

Proposal for a regulation

Article 72 – paragraph 1 – point a

Text proposed by the Commission

(a) the nature, gravity and duration of the infringement and of its consequences;

Amendment

(a) the nature, gravity and duration of the infringement and of its consequences, ***including to affected persons***;

Or. en

Amendment 2886

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

Proposal for a regulation

Article 72 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) any action taken by the Union institution, agency or body to mitigate the harm;

Amendment 2887

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 72 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) the intentional or negligent character of the infringement;

Amendment 2888

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 72 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(a b) any relevant previous infringement;

Amendment 2889

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

Proposal for a regulation

Article 72 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the cooperation with the European Data Protection Supervisor in order to remedy the infringement and mitigate the possible adverse effects of the infringement, including compliance with any of the measures previously ordered by the European Data Protection Supervisor against the Union institution or agency or body concerned with regard to the same *deleted*

subject matter;

Or. fr

Justification

It is neither fair nor equitable for the EU institutions, agencies and bodies, which have a duty to lead by example, to have an entitlement to establish sanctions which is not available to other entities with regard to equal infringements of this Regulation.

Amendment 2890

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 72 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the degree of cooperation with the supervisory authority, in order to remedy the infringement and mitigate the possible adverse effects of the infringement;

Or. en

Amendment 2891

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 72 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(b b) any action taken by the provider to mitigate the damage suffered by subjects;

Or. en

Amendment 2892

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

Proposal for a regulation

Article 72 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) the manner in which the infringement became known to the European Data Protection Supervisor, in particular whether, and if so, to what extent, the Union institution, agency or body notified the infringement.

Or. en

Amendment 2893

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 72 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) any other aggravating or mitigating factor applicable to the circumstances of the case, such as financial benefits gained, or losses avoided, directly or indirectly, from the infringement.

Or. en

Amendment 2894

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 72 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The ***following infringements*** shall be subject to administrative fines of up to ***500 000 EUR***:

2. The ***non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5*** shall be subject to administrative fines of up to ***1 000 000 EUR***;

2a. The non-compliance of the AI system with the requirements laid down in Article

10 shall be subject to administrative fines of up to 700 000 EUR.

Or. en

Amendment 2895

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

Proposal for a regulation

Article 72 – paragraph 2 – introductory part

Text proposed by the Commission

2. *The following infringements* shall be subject to administrative fines of up to **500 000 EUR**:

Amendment

2. *Non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5* shall be subject to administrative fines of up to **1.000 000 EUR**;

Or. en

Amendment 2896

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

Proposal for a regulation

Article 72 – paragraph 2 – introductory part

Text proposed by the Commission

2. The *following infringements* shall be subject to administrative fines of up to **500 000 EUR**:

Amendment

2. The *non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5* shall be subject to administrative fines of up to **1 000 000 EUR**:

Or. en

Amendment 2897

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

Proposal for a regulation
Article 72 – paragraph 2 – introductory part

Text proposed by the Commission

2. The following infringements shall be subject to administrative fines of up to **500 000** EUR:

Amendment

2. The following infringements shall be subject to administrative fines of up to **30 000 000** EUR:

Or. fr

Justification

Brings the text into line with the amount laid down for the same infringements in Article 70. There is no reason to justify the EU institutions, agencies and bodies being subject to fines that are less harsh than those imposed on other providers and users, including the public administrations of the Member States.

Amendment 2898
Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation
Article 72 – paragraph 2 – introductory part

Text proposed by the Commission

2. The following infringements shall be subject to administrative fines of up to **500 000** EUR:

Amendment

2. The following infringements shall be subject to administrative fines of up to **5 000 000** EUR:

Or. en

Amendment 2899
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 72 – paragraph 2 – point a

Text proposed by the Commission

(a) non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5;

Amendment

deleted

Amendment 2900

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

Proposal for a regulation

Article 72 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5; *deleted*

Or. en

Amendment 2901

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

Proposal for a regulation

Article 72 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5; *deleted*

Or. en

Amendment 2902

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

Proposal for a regulation

Article 72 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) non-compliance of the AI system with the requirements laid down in Article 10. *deleted*

Amendment 2903

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 72 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) non-compliance of the AI system with the requirements laid down in Article 10. *deleted*

Or. en

Amendment 2904

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

Proposal for a regulation

Article 72 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) non-compliance of the AI system with the requirements laid down in Article 10. *deleted*

Or. en

Amendment 2905

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

Proposal for a regulation

Article 72 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The non-compliance of the AI system with the requirements laid down in Article 10 shall be subject to

*administrative fines of up to 700 000
EUR.*

Or. en

Amendment 2906

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

Proposal for a regulation

Article 72 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. non-compliance of the AI system with the requirements laid down in Article 10 shall be subject to administrative fines of up to 500 000 EUR.

Or. en

Amendment 2907

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

Proposal for a regulation

Article 72 – paragraph 3

Text proposed by the Commission

Amendment

3. The non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to **250 000** EUR.

3. The non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to **20 000 000** EUR.

Or. fr

Justification

Brings the text into line with the amount laid down for the same infringements in Article 70. There is no reason to justify the EU institutions, agencies and bodies being subject to fines that are less harsh than those imposed on other providers and users, including the public administrations of the Member States.

Amendment 2908
Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation
Article 72 – paragraph 3

Text proposed by the Commission

3. The non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to **250 000** EUR.

Amendment

3. The non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to **2 500 000** EUR.

Or. en

Amendment 2909
Petar Vitanov, Birgit Sippel, Bettina Vollath, Tsvetelina Penkova, Juan Fernando López Aguilar

Proposal for a regulation
Article 72 – paragraph 3

Text proposed by the Commission

3. The non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to **250 000** EUR.

Amendment

3. The non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to **500 000** EUR.

Or. en

Amendment 2910
Dragoş Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Malik Azmani, Alin Mituţa

Proposal for a regulation
Article 72 – paragraph 3

Text proposed by the Commission

Amendment

3. The non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to **250 000** EUR.

3. The non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to **300 000** EUR.

Or. en

Amendment 2911

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 72 – paragraph 3

Text proposed by the Commission

3. The non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to **250 000** EUR.

Amendment

3. The non-compliance of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10, shall be subject to administrative fines of up to **500 000** EUR.

Or. en

Amendment 2912

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

Proposal for a regulation Article 72 – paragraph 5

Text proposed by the Commission

5. The rights of defense of the parties concerned shall be fully respected in the proceedings. They shall be entitled to have access to the European Data Protection Supervisor's file, subject to the legitimate interest of individuals or undertakings in the protection of their personal data *or business secrets*.

Amendment

5. The rights of defense of the parties concerned shall be fully respected in the proceedings. They shall be entitled to have access to the European Data Protection Supervisor's file, subject to the legitimate interest of individuals or undertakings in the protection of their personal data.

Amendment 2913

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 72 – paragraph 5**

Text proposed by the Commission

5. The rights of defense of the parties concerned shall be fully respected in the proceedings. They shall be entitled to have access to the European Data Protection Supervisor's file, subject to the legitimate interest of individuals or undertakings in the protection of their personal data *or business secrets*.

Amendment

5. The rights of defense of the parties concerned shall be fully respected in the proceedings. They shall be entitled to have access to the European Data Protection Supervisor's file, subject to the legitimate interest of individuals or undertakings in the protection of their personal data.

Amendment 2914

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

**Proposal for a regulation
Article 72 – paragraph 6**

Text proposed by the Commission

6. *Funds collected by imposition of fines in this Article shall be the income of the general budget of the Union.*

Amendment

deleted

Amendment 2915

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

**Proposal for a regulation
Article 72 – paragraph 6**

Text proposed by the Commission

Amendment

6. Funds collected by imposition of fines in this Article shall **be the income of** the general budget of the Union.

6. Funds collected by imposition of fines in this Article shall **contribute to** the general budget of the Union.

Or. en

Amendment 2916

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

Proposal for a regulation

Article 72 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. The European Data Protection Supervisor shall, on an annual basis, notify the Board of the fines it has imposed pursuant to this Article.

Or. en

Amendment 2917

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 73 – paragraph 2

Text proposed by the Commission

Amendment

2. The delegation of power referred to in Article 4, **Article** 7(1), Article 11(3), Article 43(5) **and (6) and** Article 48(5) shall be conferred on the Commission for an indeterminate period of time from [entering into force of the Regulation].

2. The delegation of power referred to in Article 7(1), Article 11(3), Article 43(5), Article 48(5) **and Article 68a** shall be conferred on the Commission for an indeterminate period of time from [entering into force of the Regulation].

Or. en

Justification

consistent with deletion of Annex I and Article 43(6).

Amendment 2918

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

Proposal for a regulation

Article 73 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Article 4, Article 7(1), Article 11(3), Article 43(5) and (6) **and** Article 48(5) shall be conferred on the Commission for an indeterminate period of time from [entering into force of the Regulation].

Amendment

2. The delegation of power referred to in Article 4, Article **5a**, **Article** 7(1), Article 11(3), Article 43(5) and (6), Article 48(5) **and Article 52a** shall be conferred on the Commission for an indeterminate period of time from [entering into force of the Regulation].

Or. en

Amendment 2919

Jürgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation

Article 73 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Article 4, **Article 7(1), Article 11(3), Article 43(5) and (6)** and Article 48(5) shall be conferred on the Commission for an indeterminate period of time from [entering into force of the Regulation].

Amendment

2. The delegation of power referred to in Article 4 and Article 48(5) shall be conferred on the Commission for an indeterminate period of time from [entering into force of the Regulation].

Or. en

Amendment 2920

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 73 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The delegation of power referred to in Article 4, Article 7(1), Article 11(3),

Article 43(5) and (6) and Article 48(5) shall undergo due process, be proportionate and be based on a permanent and institutionalised exchange with the relevant stakeholders as well as the Board and the High Level Expert Group on AI.

Or. en

Amendment 2921

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 73 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 4, **Article** 7(1), Article 11(3), Article 43(5) **and (6) and** Article 48(5) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following that of its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Article 7(1), Article 11(3), Article 43(5), Article 48(5) **and Article 68a** may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following that of its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Justification

same as amendment above.

Amendment 2922

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

Proposal for a regulation Article 73 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 4, Article 7(1), Article 11(3), Article 43(5) and (6) **and** Article 48(5) may be revoked at any time by the European Parliament **or by** the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following that of its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Article 4, Article **5a**, **Article** 7(1), Article 11(3), Article 43(5) and (6), Article 48(5) **and Article 52a** may be revoked at any time by **a joint decision from** the European Parliament **and** the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following that of its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Amendment 2923

Jürgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation

Article 73 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 4, **Article 7(1), Article 11(3), Article 43(5) and (6)** and Article 48(5) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following that of its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Article 4 and Article 48(5) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following that of its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Amendment 2924

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

Proposal for a regulation
Article 73 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Before adopting a delegated act, the Commission shall consult with the relevant institutions and stakeholders in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Or. en

Amendment 2925

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

Proposal for a regulation
Article 73 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Prior to adopting a delegated act pursuant to Article 4, Article 7(1), Article 11(3), Article 43(5) and (6), and Article 48(5) the Commission shall consult the AI Office.

Or. en

Amendment 2926

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

Proposal for a regulation
Article 73 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. Delegated acts that lead to the modification or the addition of obligations on operators shall foresee an adequate transition period of no less than 24

months before their entry into force.

Or. en

Amendment 2927

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

Proposal for a regulation
Article 73 – paragraph 4

Text proposed by the Commission

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

Amendment

4. ***Once the Commission decides to draft a delegated act, it shall notify the European Parliament of this fact. This notification does not place an obligation on the Commission to adopt the said act. I***
As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

Or. en

Amendment 2928

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

Proposal for a regulation
Article 73 – paragraph 4

Text proposed by the Commission

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament ***and to*** the Council.

Amendment

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament, the Council, ***and the AI Office.***

Or. en

Amendment 2929

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

Proposal for a regulation
Article 73 – paragraph 4

Text proposed by the Commission

4. *As soon as it adopts* a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

Amendment

4. ***In preparation of*** a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

Or. en

Amendment 2930

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

Proposal for a regulation
Article 73 – paragraph 5

Text proposed by the Commission

5. Any delegated act adopted pursuant to Article 4, Article 7(1), Article 11(3), Article 43(5) and (6) **and** Article 48(5) shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.

Amendment

5. Any delegated act adopted pursuant to Article 4, Article **5a**, **Article** 7(1), Article 11(3), Article 43(5) and (6), Article 48(5) **and Article 52a** shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.

Or. en

Amendment 2931

Jürgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation
Article 73 – paragraph 5

Text proposed by the Commission

Amendment

5. Any delegated act adopted pursuant to Article 4, **Article 7(1), Article 11(3), Article 43(5) and (6)** and Article 48(5) shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.

5. Any delegated act adopted pursuant to Article 4 and Article 48(5) shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.

Or. en

Amendment 2932

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 73 – paragraph 5

Text proposed by the Commission

5. Any delegated act adopted pursuant to Article 4, **Article 7(1), Article 11(3), Article 43(5) and (6) and Article 48(5)** shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.

Amendment

5. Any delegated act adopted pursuant to Article 7(1), Article 11(3), Article 43(5), Article 48(5) **and 68d** shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.

Or. en

Justification

same as above.

Amendment 2933

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 80 – paragraph 1 – introductory part

Text proposed by the Commission

In Article 5 of Regulation (EU) 2018/858
the following *paragraph is* added:

Amendment

In Article 5 of Regulation (EU) 2018/858
the following *paragraphs are* added:

Or. en

Amendment 2934

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 80 – paragraph 1 – introductory part

Text proposed by the Commission

In Article 5 of Regulation (EU) 2018/858
the following *paragraph is* added:

Amendment

In Article 5 of Regulation (EU) 2018/858
the following *paragraphs are* added:

Or. en

Amendment 2935

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 80 – paragraph 1

Regulation (EU) 2018/858

Article 5

Text proposed by the Commission

Amendment

4 a. The Commission shall, prior to fulfilling the obligation pursuant to paragraph 4, provide a reasonable explanation based on a gap analysis of existing sectoral legislation in the

automotive sector to determine the existence of potential gaps relating to Artificial Intelligence therein, and consult relevant stakeholders, in order to avoid duplications and overregulation, in line with the Better Regulation principles.

Or. en

Amendment 2936

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 80 – paragraph 1

Regulation (EU) 2018/858

Article 5

Text proposed by the Commission

Amendment

4 a. The Commission shall, prior to fulfilling the obligation pursuant to paragraph 4, provide a reasonable explanation based on a gap analysis of existing sectoral legislation in the automotive sector to determine the existence of potential gaps relating to Artificial Intelligence therein, and consult relevant stakeholders, in order to avoid duplications and overregulation, in line with the Better Regulation principle.

Or. en

Amendment 2937

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

Proposal for a regulation

Article 81 a (new)

Text proposed by the Commission

Amendment

Article 81 a

*Amendment to Regulation (EU)
2019/1020*

In Article 14.4 of Regulation (EU) 2019/1020 the following paragraph is added:

“(1) The power to implement the powers provided for in this Article remotely, where applicable.”

Or. en

Justification

In order to permit "on site" inspections to be carried out remotely, where feasible and appropriate.

Amendment 2938

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 82 – paragraph 1 – introductory part

Text proposed by the Commission

In Article 11 of Regulation (EU) 2019/2144, the following ***paragraph is*** added:

Amendment

In Article 11 of Regulation (EU) 2019/2144, the following ***paragraphs are*** added:

Or. en

Amendment 2939

Kosma Złotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 82 – paragraph 1 – introductory part

Text proposed by the Commission

In Article 11 of Regulation (EU) 2019/2144, the following ***paragraph is*** added:

Amendment

In Article 11 of Regulation(EU) 2019/2144, the following ***paragraphs are*** added:

Or. en

Amendment 2940

Kosma Złotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation
Article 82 – paragraph 1
Regulation (EU) 2019/2144
Article 11

Text proposed by the Commission

Amendment

3 a. The Commission shall, prior to fulfilling the obligation pursuant to paragraph 3, provide a reasonable explanation based on a gap analysis of existing sectoral legislation in the automotive sector to determine the existence of potential gaps relating to Artificial Intelligence therein, and consult relevant stakeholders, in order to avoid duplications and overregulation, in line with the Better Regulation principles.

Or. en

Amendment 2941
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 82 – paragraph 1
Regulation (EU) 2019/2144
Article 11

Text proposed by the Commission

Amendment

3 a. The Commission shall, prior to fulfilling the obligation pursuant to paragraph 3, provide a reasonable explanation based on a gap analysis of existing sectoral legislation in the automotive sector to determine the existence of potential gaps relating to Artificial Intelligence therein, and consult relevant stakeholders, in order to avoid duplications and overregulation, in line with the Better Regulation principle.

Or. en

Amendment 2942

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

Proposal for a regulation

Article 82 a (new)

Text proposed by the Commission

Amendment

Article 82 a

Sound regulation

In taking into account the requirements of this Regulation pursuant to the Amendments in Articles 75, 76, 77, 78, 79, 80, 81, and 82, the Commission shall conduct an analysis and consult relevant stakeholders to determine potential gaps as well as overlaps between existing sectoral legislation and the provisions of this Regulation in order to avoid duplication, overregulation, and the creation of loopholes.

Or. en

Amendment 2943

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

Proposal for a regulation

Article 83

Text proposed by the Commission

Amendment

Article 83

deleted

AI systems already placed on the market or put into service

1. This Regulation shall not apply to the AI systems which are components of the large-scale IT systems established by the legal acts listed in Annex IX that have been placed on the market or put into service before [12 months after the date of application of this Regulation referred to in Article 85(2)], unless the replacement

or amendment of those legal acts leads to a significant change in the design or intended purpose of the AI system or AI systems concerned.

The requirements laid down in this Regulation shall be taken into account, where applicable, in the evaluation of each large-scale IT systems established by the legal acts listed in Annex IX to be undertaken as provided for in those respective acts.

2. This Regulation shall apply to the high-risk AI systems, other than the ones referred to in paragraph 1, that have been placed on the market or put into service before [date of application of this Regulation referred to in Article 85(2)], only if, from that date, those systems are subject to significant changes in their design or intended purpose.

Or. en

Amendment 2944

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

Proposal for a regulation

Article 83 – paragraph 1 – introductory part

Text proposed by the Commission

1. This Regulation shall **not** apply to the AI systems which are components of the large-scale IT systems established by the legal acts listed in Annex IX that have been placed on the market or put into service before [12 months after the date of application of this Regulation referred to in Article 85(2)], ***unless the replacement or amendment of those legal acts leads to a significant change in the design or intended purpose of the AI system or AI systems concerned.***

Amendment

1. This Regulation shall apply to the AI systems which are components of the large-scale IT systems established by the legal acts listed in Annex IX that have been placed on the market or put into service before [12 months after the date of application of this Regulation referred to in Article 85(2)].

Or. fr

Amendment 2945

Sophia in 't Veld, Michal Šimečka

Proposal for a regulation

Article 83 – paragraph 1 – introductory part

Text proposed by the Commission

1. This Regulation shall **not** apply to the AI systems which are components of the large-scale IT systems established by the legal acts listed in Annex IX that have been placed on the market or put into service before **[12 months after the date of application of this Regulation referred to in Article 85(2)], unless the replacement or amendment of those legal acts leads to a significant change in the design or intended purpose of the AI system or AI systems concerned.**

Amendment

1. This Regulation shall apply to the AI systems which are components of the large-scale IT systems established by the legal acts listed in Annex IX that have been placed on the market or put into service before, **with a transitional period of two years** after the **entry into force** of this Regulation.

Or. en

Amendment 2946

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 83 – paragraph 1 – introductory part

Text proposed by the Commission

1. ***This Regulation shall not apply to*** the AI systems which are components of the large-scale IT systems established by the legal acts listed in Annex IX that have been placed on the market or put into service before **[12 months after** the date of application of this Regulation referred to in Article 85(2)], ***unless the replacement or amendment of those legal acts leads to a significant change in the design or intended purpose of the AI system or AI systems concerned.***

Amendment

1. ***Operators of*** the AI systems which are components of the large-scale IT systems established by the legal acts listed in Annex IX that have been placed on the market or put into service before [the date of application of this Regulation referred to in Article 85(2)] ***shall take the necessary steps to comply with the requirements of the present Regulation within 4 years of its entry into force.***

Amendment 2947

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

Proposal for a regulation**Article 83 – paragraph 1 – introductory part***Text proposed by the Commission*

1. This Regulation shall **not** apply to the AI systems which are components of the large-scale IT systems established by the legal acts listed in Annex IX that have been placed on the market or put into service before [12 months after the date of application of this Regulation referred to in Article 85(2)], **unless the replacement or amendment of those legal acts leads to a significant change in the design or intended purpose of the AI system or AI systems concerned.**

Amendment

1. This Regulation shall apply to the AI systems which are components of the large-scale IT systems established by the legal acts listed in Annex IX that have been placed on the market or put into service before [12 months after the date of application of this Regulation referred to in Article 85(2)] **and the requirements laid down in this Regulation shall be taken into account in the evaluation of each large-scale IT systems established by the legal acts listed in Annex IX.**

Amendment 2948

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

Proposal for a regulation**Article 83 – paragraph 1 – introductory part***Text proposed by the Commission*

1. This Regulation shall **not** apply to the AI systems which are components of the large-scale IT systems established by the legal acts listed in Annex IX **that have been placed on the market or put into service before [12 months after the date of application of this Regulation referred to in Article 85(2)], unless the replacement or amendment of those legal acts leads to a significant change in the design or intended purpose of the AI system or AI systems concerned.**

Amendment

1. This Regulation shall apply to the AI systems which are components of the large-scale IT systems established by the legal acts listed in Annex IX **starting [on the date of application of this Regulation referred to in Article 85(2)], or as soon as there is a significant change in the design or intended purpose of the AI system or AI systems concerned in which case it shall apply from [the date of application of this Regulation]**

Amendment 2949

Jürgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation

Article 83 – paragraph 1 – introductory part

Text proposed by the Commission

1. This Regulation shall not apply to the AI systems which are components of the large-scale IT systems established by the legal acts listed in Annex IX that have been placed on the market or put into service before [12 months after the date of application of this Regulation referred to in Article 85(2)], unless the replacement or amendment of those legal acts leads to a significant change in the design or intended purpose of the AI system or AI systems concerned.

Amendment

1. This Regulation shall not apply to the AI systems which are components of the large-scale IT systems established by the legal acts listed in Annex IX that have been placed on the market or put into service before [24 months after the date of application of this Regulation referred to in Article 85(2)], unless the replacement or amendment of those legal acts leads to a significant change in the design or intended purpose of the AI system or AI systems concerned.

Or. en

Justification

It is important to provide sufficient time for AI developers to adopt to the Regulation before the provisions enter into force.

Amendment 2950

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

Proposal for a regulation

Article 83 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The requirements laid down in this Regulation shall be taken into account, where applicable, in the evaluation of each large-scale IT systems established by the legal acts listed in Annex IX to be undertaken as provided for in those respective acts.

Amendment

deleted

Amendment 2951

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

Proposal for a regulation

Article 83 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

The requirements laid down in this Regulation shall be taken into account, where applicable, in the evaluation of each large-scale IT systems established by the legal acts listed in Annex IX to be undertaken as provided for in those respective acts.

deleted

Or. en

Amendment 2952

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

Proposal for a regulation

Article 83 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

The requirements laid down in this Regulation shall be taken into account, where applicable, in the evaluation of each large-scale IT systems established by the legal acts listed in Annex IX to be undertaken as provided for in those respective acts.

The requirements laid down in this Regulation shall be taken into account, where applicable, in the evaluation of each large-scale IT systems established by the legal acts listed in Annex IX to be undertaken as provided for in those respective acts *and whenever those legal acts are replaced or amended.*

Or. en

Amendment 2953

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 83 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The requirements laid down in this Regulation shall ***be taken into account, where applicable***, in the evaluation of each large-scale IT systems established by the legal acts listed in Annex IX to be undertaken as provided for in those respective acts.

Amendment

The requirements laid down in this Regulation shall ***apply*** in the evaluation of each large-scale IT systems established by the legal acts listed in Annex IX to be undertaken as provided for in those respective acts.

Or. en

Amendment 2954

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

Proposal for a regulation

Article 83 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The requirements laid down in this Regulation shall be taken into account, ***where applicable***, in the evaluation of each large-scale IT systems established by the legal acts listed in Annex IX to be undertaken as provided for in those respective acts.

Amendment

The requirements laid down in this Regulation shall be taken into account in the evaluation of each large-scale IT systems established by the legal acts listed in Annex IX to be undertaken as provided for in those respective acts.

Or. en

Amendment 2955

Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation

Article 83 – paragraph 2

Text proposed by the Commission

2. This Regulation shall apply to the high-risk AI systems, other than the ones

Amendment

2. This Regulation shall apply to the high-risk AI systems, other than the ones

referred to in paragraph 1, that have been placed on the market or put into service before [date of application of this Regulation referred to in Article 85(2)], only if, from that date, those systems are subject to significant changes in their design or intended purpose.

referred to in paragraph 1, that have been placed on the market or put into service before [date of application of this Regulation referred to in Article 85(2)], only if, from that date, those systems are subject to significant changes ***as defined in Article 3(23)*** in their design or intended purpose, ***and those changes are not needed to comply with applicable existing or new legislation, or to provide security fixes.***

Or. en

Amendment 2956

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

Proposal for a regulation Article 83 – paragraph 2

Text proposed by the Commission

2. This Regulation shall apply to the high-risk AI systems, ***other than the ones referred to in paragraph 1***, that have been placed on the market or put into service before [date of application of this Regulation referred to in Article 85(2)], ***only if, from that date, those systems are subject to significant changes in their design or intended purpose.***

Amendment

2. This Regulation shall apply to the high-risk AI systems that have been placed on the market or put into service before [date of application of this Regulation referred to in Article 85(2)].

Or. en

Amendment 2957

Dragoř Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoř Pîslaru, Lucia Ďuriř Nicholsonová, Irena Joveva, Malik Azmani, Alin Miuța

Proposal for a regulation Article 83 – paragraph 2

Text proposed by the Commission

2. ***This Regulation shall apply to the high-risk AI systems, other than the ones***

Amendment

2. ***Operators of*** high-risk AI systems, other than the ones referred to in paragraph

referred to in paragraph 1, that have been placed on the market or put into service before [date of application of this Regulation referred to in Article 85(2)], **only if, from that date, those** systems are subject to **significant changes** in their design or intended purpose.

1, that have been placed on the market or put into service before [date of application of this Regulation referred to in Article 85(2)] **shall take the necessary steps to comply with the requirements of the present Regulation within 2 years of its entry into force or at the time when such** systems are subject to **a substantial modification** in their design or intended purpose.

Or. en

Amendment 2958

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

Proposal for a regulation Article 83 – paragraph 2

Text proposed by the Commission

2. This Regulation shall apply to the high-risk AI systems, other than the ones referred to in paragraph 1, that have been placed on the market or put into service before [date of application of this Regulation referred to in Article 85(2)], **only if, from that date, those systems are subject to significant changes in their design or intended purpose.**

Amendment

2. This Regulation shall apply to the high-risk AI systems, other than the ones referred to in paragraph 1, that have been placed on the market or put into service before [date of application of this Regulation referred to in Article 85(2)].

Or. fr

Amendment 2959

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

Proposal for a regulation Article 83 – paragraph 2

Text proposed by the Commission

2. This Regulation shall apply to the high-risk AI systems, other than the ones referred to in paragraph 1, that have been

Amendment

2. This Regulation shall apply to the high-risk AI systems, other than the ones referred to in paragraph 1, that have been

placed on the market or put into service **before** [date of application of this Regulation referred to in Article 85(2)], **only if, from that date, those systems are subject to significant changes in their design or intended purpose.**

placed on the market or put into service **from** [date of application of this Regulation referred to in Article 85(2)].

Or. en

Amendment 2960

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 83 – paragraph 2

Text proposed by the Commission

2. This Regulation shall apply to the high-risk AI systems, other than the ones referred to in paragraph 1, that have been placed on the market or put into service before [date of application of this Regulation referred to in Article 85(2)], **only if, from that date, those systems are subject to significant changes in their design or intended purpose.**

Amendment

2. This Regulation shall apply to the high-risk AI systems, other than the ones referred to in paragraph 1, that have been placed on the market or put into service before [date of application of this Regulation referred to in Article 85(2)].

Or. en

Amendment 2961

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

Proposal for a regulation Article 83 – paragraph 2

Text proposed by the Commission

2. This Regulation shall apply to the high-risk AI systems, **other than the ones referred to in paragraph 1**, that have been placed on the market or put into service before [date of application of this Regulation referred to in Article 85(2)], **only if, from that date, those systems are**

Amendment

2. This Regulation shall apply to the high-risk AI systems that have been placed on the market or put into service before [date of application of this Regulation referred to in Article 85(2)], **with a transitional period of two years after the application of this Regulation.**

subject to significant changes in their design or intended purpose.

Or. en

Amendment 2962

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

Proposal for a regulation

Article 83 – paragraph 2

Text proposed by the Commission

2. This Regulation shall apply to the high-risk AI systems, other than the ones referred to in paragraph 1, that have been placed on the market or put into service before [date of application of this Regulation referred to in Article 85(2)], only if, from that date, those systems are subject to **significant changes** in their design or intended purpose.

Amendment

2. This Regulation shall apply to the high-risk AI systems, other than the ones referred to in paragraph 1, that have been placed on the market or put into service before [date of application of this Regulation referred to in Article 85(2)], only if, from that date, those systems are subject to **substantial modification** in their design or intended purpose **as defined in Article 3(23)** .

Or. en

Amendment 2963

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

Proposal for a regulation

Article 83 a (new)

Text proposed by the Commission

Amendment

Article 83 a

AI systems deployed in the context of employment

Member States may, by law or by collective agreements, decide to prohibit or limit the use of certain AI systems in the employment context or provide for more specific rules for AI systems in employment, 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 2964

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

Proposal for a regulation Article 84 – paragraph 1

Text proposed by the Commission

1. The Commission shall assess the need for amendment of the list in Annex III once a year following the entry into force of this Regulation.

Amendment

1. The Commission shall assess the need for amendment of the list in Annex III, *including the extension of existing area headings or addition of new area headings; ,Article 5's list of prohibited AI practices, and Article 52's list of AI systems requiring additional transparency measures*, once a year following the entry into force of this Regulation.

Or. en

Amendment 2965

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 84 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall assess the need for amendment of the list in Annex III once a year following the entry into force of this Regulation.

1. The Commission shall assess the need for amendment of the list in Annex III, ***including the extension of existing area headings or addition of new area headings, the list of prohibited practices in Article 5, and the list of AI systems requiring additional transparency measures***, once a year following the entry into force of this Regulation.

Or. en

Amendment 2966

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 84 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall assess the need for amendment of the list in Annex III ***once a year*** following the entry into force of this Regulation.

1. The Commission shall assess the need for amendment of the list in Annex III ***every 24 months*** following the entry into force of this Regulation ***and until the end of the period of the delegation of power. The findings of that assessment shall be presented to the European Parliament and the Council.***

Or. en

Amendment 2967

Jürgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation

Article 84 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall assess the need for amendment of the list in Annex III once a year following the entry into force of this Regulation.

1. The Commission shall assess the need for amendment of the list in Annex III once a year following the entry into force of this Regulation, ***and when necessary, table to the European Parliament and the***

Council a legislative proposal in this regard.

Or. en

Amendment 2968

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

Proposal for a regulation

Article 84 – paragraph 1

Text proposed by the Commission

1. The Commission shall assess the need for amendment of the list in Annex **III** once a year following the entry into force of this Regulation.

Amendment

1. The Commission shall assess the need for amendment of the list in Annex **I** once a year following the entry into force of this Regulation. ***The findings of that assessment shall be presented to the European Parliament and the Council.***

Or. en

Amendment 2969

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

Proposal for a regulation

Article 84 – paragraph 1

Text proposed by the Commission

1. The Commission shall assess the need for amendment of the list in Annex III once a year following the entry into force of this Regulation.

Amendment

1. The Commission shall assess the need for amendment of the list in Annex III ***, including the extension of existing area headings or addition of new area headings,*** once a year following the entry into force of this Regulation.

Or. en

Amendment 2970

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

Azmani

Proposal for a regulation
Article 84 – paragraph 1

Text proposed by the Commission

1. **The Commission** shall assess the need for amendment of the list in Annex III once a year following the entry into force of this Regulation.

Amendment

1. **In consultation with the AI Office, the Commissions** shall assess the need for amendment of the list in Annex III once a year following the entry into force of this Regulation.

Or. en

Amendment 2971

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

Proposal for a regulation
Article 84 – paragraph 1

Text proposed by the Commission

1. The Commission shall assess the need for amendment of the list in Annex III **once a year** following the entry into force of this Regulation.

Amendment

1. The Commission shall assess the need for amendment of the list in Annex III **annually** following the entry into force of this Regulation **and following a recommendation of the Board**.

Or. en

Amendment 2972

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation
Article 84 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The Commission shall assess the need for amendment of the list in Annex III once a year following the entry into force of this Regulation. The findings of that assessment shall be presented to the

Amendment 2973

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Article 84 – paragraph 2

Text proposed by the Commission

2. By [**three** years after the date of application of this Regulation referred to in Article 85(2)] and every **four** years thereafter, the Commission shall submit a report on the evaluation and review of this Regulation to the European Parliament and to the Council. The reports shall be made public.

Amendment

2. By [**two** years after the date of application of this Regulation referred to in Article 85(2)] and every **three** years thereafter, the Commission shall submit a report on the evaluation and review of this Regulation to the European Parliament and to the Council. The reports shall be made public.

Amendment 2974

Svenja Hahn, Dragoş Tudorache, Nicola Beer, Morten Løkkegaard, Sandro Gozi, Vlad-Marius Botoş, Sophia in 't Veld, Moritz Körner, Jan-Christoph Oetjen

Proposal for a regulation

Article 84 – paragraph 3 – point a

Text proposed by the Commission

(a) the status of the financial and human resources of the national competent authorities in order to effectively perform the tasks assigned to them under this Regulation;

Amendment

(a) the status of the financial, **technical** and human resources of the national competent authorities in order to effectively perform the tasks assigned to them under this Regulation;

Amendment 2975

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

Proposal for a regulation
Article 84 – paragraph 3 – point b

Text proposed by the Commission

(b) the state of penalties, and notably administrative fines as referred to in **Article 71(1)**, applied by Member States to infringements of the provisions of this Regulation.

Amendment

(b) the state of penalties, and notably administrative fines as referred to in **Articles 70a and 71** applied by **national supervisory authorities and** Member States to infringements of the provisions of this Regulation.

Or. en

Amendment 2976

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

Proposal for a regulation
Article 84 – paragraph 3 – point b

Text proposed by the Commission

(b) the state of penalties, and notably administrative fines as referred to in Article **71(1)**, applied by Member States to infringements of the provisions of this Regulation.

Amendment

(b) the state of penalties, and notably administrative fines as referred to in Article **71**, applied by Member States to infringements of the provisions of this Regulation.

Or. en

Amendment 2977

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

Proposal for a regulation
Article 84 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the state of the development of harmonised standards and common specifications for Artificial Intelligence;

Amendment 2978

Jürgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation

Article 84 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the levels of investments in research, development and application of AI systems throughout the Union,

Or. en

Amendment 2979

Jürgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation

Article 84 – paragraph 3 – point b b (new)

Text proposed by the Commission

Amendment

(b b) the competitiveness of the aggregated European AI ecosystem compared to AI ecosystems in third countries.

Or. en

Amendment 2980

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

Proposal for a regulation

Article 84 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Within [two years after the date of application of this Regulation referred to in Article 85(2)] and every two years thereafter, the Commission shall evaluate the impact and effectiveness of the

Regulation with regards to the resource and energy use, waste production and other environmental impact of AI systems and evaluate the need for proposing legislation to regulate the resource and energy efficiency of AI systems and related ICT systems in order for the sector to contribute to EU climate strategy and targets.

Or. en

Amendment 2981

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

Proposal for a regulation Article 84 – paragraph 4

Text proposed by the Commission

4. Within [*three years* after the date of application of this Regulation referred to in Article 85(2)] and every *four* years thereafter, the Commission shall evaluate the impact and effectiveness of codes of conduct to foster the application of the requirements set out in Title III, Chapter 2 and possibly other additional requirements for AI systems other than high-risk AI systems.

Amendment

4. Within [*one year* after the date of application of this Regulation referred to in Article 85(2)] and every *two* years thereafter, the Commission shall evaluate the impact and effectiveness of codes of conduct to foster the application of the requirements set out in Title III, Chapter 2 and possibly other additional requirements for AI systems other than high-risk AI systems.

Or. en

Amendment 2982

Sophia in 't Veld, Michal Šimečka

Proposal for a regulation Article 84 – paragraph 5

Text proposed by the Commission

5. For the purpose of paragraphs 1 to 4 the Board, the Member States and national competent authorities shall

Amendment

5. For the purpose of paragraphs 1 to 4 the Board, the Member States and national competent authorities shall

provide the Commission with information on its request.

provide the Commission with information on its request *without undue delay*.

Or. en

Amendment 2983

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

Proposal for a regulation

Article 84 – paragraph 5

Text proposed by the Commission

5. For the purpose of paragraphs 1 to 4 the **Board**, the Member States and national competent authorities shall provide the Commission with information on its request.

Amendment

5. For the purpose of paragraphs 1 to 4 the **AI Office**, the Member States and national competent authorities shall provide the Commission with information on its request.

Or. en

Amendment 2984

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

Proposal for a regulation

Article 84 – paragraph 6

Text proposed by the Commission

6. In carrying out the evaluations and reviews referred to in paragraphs 1 to 4 the Commission shall take into account the positions and findings of the Board, of the European Parliament, of the Council, and of other relevant bodies or sources.

Amendment

6. In carrying out the evaluations and reviews referred to in paragraphs 1 to 4 the Commission shall take into account the positions and findings of the Board, of the European Parliament, of the Council, and of **equality bodies and other relevant bodies or sources, and shall consult relevant external stakeholders, in particular those potentially affected by the AI system, as well as stakeholders from academia and civil society.**

Or. en

Amendment 2985

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 84 – paragraph 6

Text proposed by the Commission

6. In carrying out the evaluations and reviews referred to in paragraphs 1 to 4 the Commission shall take into account the positions and findings of the Board, of the European Parliament, of the Council, and of other relevant bodies or sources.

Amendment

6. In carrying out the evaluations and reviews referred to in paragraphs 1 to 4 the Commission shall take into account the positions and findings of the Board, of the European Parliament, of the Council, and of ***equality bodies and*** other relevant bodies or sources, ***and shall consult relevant external stakeholders, in particular those potentially affected by the AI system, as well as stakeholders from academia and civil society.***

Or. en

Amendment 2986

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

Proposal for a regulation

Article 84 – paragraph 6

Text proposed by the Commission

6. In carrying out the evaluations and reviews referred to in paragraphs 1 to 4 the Commission shall take into account the positions and findings of the Board, of the European Parliament, of the Council, and of other relevant bodies or sources.

Amendment

6. In carrying out the evaluations and reviews referred to in paragraphs 1 to 4 the Commission shall take into account the positions and findings of the Board, of the European Parliament, of the Council, and of other relevant bodies or sources, ***including stakeholders, and in particular civil society.***

Or. en

Amendment 2987

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

Proposal for a regulation
Article 84 – paragraph 6

Text proposed by the Commission

6. In carrying out the evaluations and reviews referred to in paragraphs 1 to 4 the Commission shall take into account the positions and findings of the Board, of the European Parliament, of the Council, and of other relevant bodies or sources.

Amendment

6. In carrying out the evaluations and reviews referred to in paragraphs 1 to 4 the Commission shall take into account the positions and findings of the Board, of the European Parliament, of the Council, and of other relevant bodies or sources, ***including from academia and civil society.***

Or. en

Amendment 2988
Sophia in 't Veld, Michal Šimečka

Proposal for a regulation
Article 84 – paragraph 6

Text proposed by the Commission

6. In carrying out the evaluations and reviews referred to in paragraphs 1 to 4 the Commission shall take into account the positions and findings of the Board, of the European Parliament, of the Council, and of other relevant bodies or sources.

Amendment

6. In carrying out the evaluations and reviews referred to in paragraphs 1 to 4 the Commission shall take into account the positions and findings of the Board, of the European Parliament, of the Council, and of other relevant bodies or sources, ***which shall be attached to the report.***

Or. en

Amendment 2989
Dragoș Tudorache, Olivier Chastel, Vlad Gheorghe, Nicolae Ștefănuță, Ramona Strugariu, Dragoș Pîslaru, Lucia Ďuriš Nicholsonová, Irena Joveva, Alin Mituța

Proposal for a regulation
Article 84 – paragraph 6

Text proposed by the Commission

6. In carrying out the evaluations and reviews referred to in paragraphs 1 to 4 the Commission shall take into account the

Amendment

6. In carrying out the evaluations and reviews referred to in paragraphs 1 to 4 the Commission shall take into account the

positions and findings of the **Board**, of the European Parliament, of the Council, and of other relevant bodies or sources.

positions and findings of the **AI Office**, of the European Parliament, of the Council, and of other relevant bodies or sources.

Or. en

Amendment 2990

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 84 – paragraph 7

Text proposed by the Commission

7. The Commission shall, if necessary, submit appropriate proposals to amend this Regulation, in particular taking into account developments in technology and in the light of the state of progress in the information society.

Amendment

7. The Commission shall, if necessary, submit appropriate proposals to amend this Regulation, in particular taking into account developments in technology, ***the effect of AI systems on health and safety, fundamental rights, the environment, equality, and accessibility for persons with disabilities***, and in the light of the state of progress in the information society.

Or. en

Amendment 2991

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

Proposal for a regulation Article 84 – paragraph 7

Text proposed by the Commission

7. The Commission shall, if necessary, submit appropriate proposals to amend this Regulation, in particular taking into account developments in technology and in the light of the state of progress in the information society.

Amendment

7. The Commission shall, if necessary, submit appropriate proposals to amend this Regulation, in particular taking into account developments in technology, ***the effect of AI systems on health and safety, fundamental rights, equality, and accessibility for persons with disabilities***, and in the light of the state of progress in the information society.

Amendment 2992

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

Proposal for a regulation
Article 84 – paragraph 7

Text proposed by the Commission

7. The Commission shall, if necessary, submit appropriate proposals to amend this Regulation, in particular taking into account developments in technology and in the light of the state of progress in the information society.

Amendment

7. The Commission shall, if necessary, submit appropriate proposals to amend this Regulation, in particular taking into account ***the effect of AI systems on fundamental rights, equality, and accessibility for persons with disabilities***, developments in technology and in the light of the state of progress in the information society.

Amendment 2993

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

Proposal for a regulation
Article 84 – paragraph 7

Text proposed by the Commission

7. The Commission shall, if necessary, submit appropriate proposals to amend this Regulation, in particular taking into account developments in technology and in the light of the state of progress in the information society.

Amendment

7. The Commission shall, if necessary, submit appropriate proposals to amend this Regulation, in particular taking into account developments in technology and ***new potential or realised risks to fundamental rights***, and in the light of the state of progress in the information society.

Amendment 2994

Sophia in 't Veld, Michal Šimečka

Proposal for a regulation
Article 84 – paragraph 7

Text proposed by the Commission

7. The Commission shall, if necessary, submit appropriate proposals to amend this Regulation, in particular taking into account developments in technology and in the light of the state of progress in the information society.

Amendment

7. The Commission shall, if necessary, submit appropriate proposals to amend this Regulation, in particular taking into account ***the impact of this Regulation on fundamental rights***, developments in technology and in the light of the state of progress in the information society.

Or. en

Amendment 2995

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

Proposal for a regulation
Article 84 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. By three years from the date of application of this Regulation at the latest, the Commission shall carry out an assessment of the enforcement of this Regulation and shall report it to the European Parliament, the Council and the European Economic and Social Committee, taking into account the first years of application of the Regulation. On the basis of the findings that report shall, where appropriate, be accompanied by a proposal for amendment of this Regulation with regard to the structure of enforcement and the need for an EU agency to resolve any identified shortcomings.

Or. en

Amendment 2996

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

Proposal for a regulation
Article 84 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. *To guide the evaluations and reviews referred to in paragraphs 1 to 4, the Board shall undertake to develop an objective and participative methodology for the evaluation of risk level based on the criteria outlined in the relevant articles and inclusion of new systems in: the list in Annex III, including the extension of existing area headings or addition of new area headings; Article 5’s list of prohibited AI practices; and Article 52’s list of AI systems requiring additional transparency measures.*

Or. en

Amendment 2997

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 84 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. *To guide the evaluations and reviews referred to in paragraphs 1 to 4, the Board shall undertake to develop an objective and participative methodology for the evaluation of risk level based on the criteria outlined in the relevant articles and inclusion of new systems in: the list in Annex III, including the extension of existing area headings or addition of new area headings; the list of prohibited practices in Article 5; and the list of AI systems requiring additional transparency measures.*

Or. en

Amendment 2998
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 84 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. Any amendment to this Regulation pursuant to paragraph 7, or relevant future delegated or implementing acts, which concern sectoral legislation listed in annex II section B, shall take into account the regulatory specificities of each sector, and should not interfere with existing governance, conformity assessment and enforcement mechanisms and authorities established therein.

Or. en

Amendment 2999
René Repasi, Marc Angel, Andreas Schieder, Maria-Manuel Leitão-Marques

Proposal for a regulation
Article 84 a (new)

Text proposed by the Commission

Amendment

Article 84 a

New Article 84a

Amendments to Directive (EU) 2020/1828 on Representative Actions for the Protection of the Collective Interests of Consumers

The following is added to Annex I:

“(X) Regulation laying down harmonised rules on artificial intelligence (Artificial Intelligence Act). Artificial Intelligence (AI)

Or. en

Amendment 3000

Marion Walsmann

**Proposal for a regulation
Article 85 – paragraph 2**

Text proposed by the Commission

2. This Regulation shall apply from [24 months following the entering into force of the Regulation].

Amendment

2. This Regulation shall apply from [36 months following the entering into force of the Regulation].

Or. en

Amendment 3001

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

**Proposal for a regulation
Article 85 – paragraph 2**

Text proposed by the Commission

2. This Regulation shall apply from [24 months following the entering into force of the Regulation].

Amendment

2. This Regulation shall apply from [48 months following the entering into force of the Regulation].

Or. en

Amendment 3002

Axel Voss, Deirdre Clune, Eva Maydell

**Proposal for a regulation
Article 85 – paragraph 2**

Text proposed by the Commission

2. This Regulation shall apply from [24 months following the entering into force of the Regulation].

Amendment

2. This Regulation shall apply from [48 months following the entering into force of the Regulation].

Or. en

Amendment 3003

Kim Van Sparrentak, Sergey Lagodinsky, Alexandra Geese, Alviina Alametsä

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 85 – paragraph 2

Text proposed by the Commission

2. This Regulation shall apply from [24 months following the entering into force of the Regulation].

Amendment

2. This Regulation shall apply from [6 months following the entering into force of the Regulation].

Or. en

Amendment 3004
Jürgen Warborn, Arba Kokalari, Tomas Tobé

Proposal for a regulation
Article 85 – paragraph 3 – point b

Text proposed by the Commission

(b) Article 71 shall apply from [twelve months following the entry into force of this Regulation].

Amendment

(b) Article 71 shall apply from [24 months following the entry into force of this Regulation].

Or. en

Amendment 3005
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 85 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(b a) Title II shall apply from [24 months following the entry into force of this Regulation].

Or. en

Amendment 3006
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 85 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Member States shall not until ... [24 months after the date of application of this Regulation] impede the making available of AI systems and products which were placed on the market in conformity with Union harmonisation legislation before [the date of application of this Regulation].

Or. en

Amendment 3007

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

Proposal for a regulation
Article 85 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Member States shall not until... [24 months after the date of application of this Regulation] impede the making available of AI systems and products which were placed on the market inconformity with Union harmonisation legislation before [the date of application of this Regulation].

Or. en

Amendment 3008

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

Proposal for a regulation
Article 85 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. At the latest by six months after

entry into force of this Regulation, the European Commission shall submit a standardization request to the European Standardisation Organisations in order to ensure the timely provision of all relevant harmonised standards that cover the essential requirements of this regulation. Any delay in submitting the standardisation request shall add to the transitional period of 24 months as stipulated in paragraph 3a.

Or. en

Amendment 3009
Axel Voss, Deirdre Clune, Eva Maydell

Proposal for a regulation
Article 85 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. At the latest by six months after entry into force of this Regulation, the European Commission shall submit a standardization request to the European Standardisation Organisations in order to ensure the timely provision of all relevant harmonised standards that cover the essential requirements of this regulation. Any delay in submitting the standardisation request shall add to the transitional period of 24 months as stipulated in paragraph 4

Or. en

Amendment 3010
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
Annex I

Text proposed by the Commission

Amendment

ARTIFICIAL INTELLIGENCE *deleted*
TECHNIQUES AND
APPROACHESreferred to in Article 3,
point 1

(a) Machine learning approaches, including supervised, unsupervised and reinforcement learning, using a wide variety of methods including deep learning;

(b) Logic- and knowledge-based approaches, including knowledge representation, inductive (logic) programming, knowledge bases, inference and deductive engines, (symbolic) reasoning and expert systems;

(c) Statistical approaches, Bayesian estimation, search and optimization methods.

Or. en

Justification

An exhaustive list of techniques risks creating loopholes and having to be updated too often. Therefore, it is appropriate to delete it.

Amendment 3011

Pernando Barrena Arza, Cornelia Ernst

Proposal for a regulation

Annex I

Text proposed by the Commission

Amendment

ARTIFICIAL INTELLIGENCE *deleted*
TECHNIQUES AND
APPROACHESreferred to in Article 3,
point 1

(a) Machine learning approaches, including supervised, unsupervised and reinforcement learning, using a wide variety of methods including deep learning;

(b) Logic- and knowledge-based

approaches, including knowledge representation, inductive (logic) programming, knowledge bases, inference and deductive engines, (symbolic) reasoning and expert systems;

(c) Statistical approaches, Bayesian estimation, search and optimization methods.

Or. en

Justification

Our modified definition of AI makes this obsolete.

Amendment 3012

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

**Proposal for a regulation
Annex I**

Text proposed by the Commission

Amendment

**ARTIFICIAL INTELLIGENCE
TECHNIQUES AND
APPROACHES**referred to in Article 3,
point 1

deleted

(a) Machine learning approaches, including supervised, unsupervised and reinforcement learning, using a wide variety of methods including deep learning;

(b) Logic- and knowledge-based approaches, including knowledge representation, inductive (logic) programming, knowledge bases, inference and deductive engines, (symbolic) reasoning and expert systems;

(c) Statistical approaches, Bayesian estimation, search and optimization methods.

Or. en

Amendment 3013

Carlo Fidanza

Proposal for a regulation

Annex I – point b

Text proposed by the Commission

Amendment

(b) Logic- and knowledge-based approaches, including knowledge representation, inductive (logic) programming, knowledge bases, inference and deductive engines, (symbolic) reasoning and expert systems; **deleted**

Or. en

Justification

To reflect the necessity of a more detailed definition, Annex I should be adjusted and limited to point a) Machine learning approaches, including supervised, unsupervised and reinforcement learning, using a wide variety of methods including deep learning.

Amendment 3014

Geoffroy Didier

Proposal for a regulation

Annex I – point b

Text proposed by the Commission

Amendment

(b) Logic- and knowledge-based approaches, including knowledge representation, inductive (logic) programming, knowledge bases, inference and deductive engines, (symbolic) reasoning and expert systems; **deleted**

Or. en

Justification

Annex I lists different techniques and approaches that can refer to AI. If some are inherently linked and identified as AI (paragraph a), the others can be used within applications which do not fall under AI (paragraphs b and c).

Amendment 3015

Axel Voss, Deirdre Clune

**Proposal for a regulation
Annex I – point b**

Text proposed by the Commission

Amendment

(b) Logic- and knowledge-based approaches, including knowledge representation, inductive (logic) programming, knowledge bases, inference and deductive engines, (symbolic) reasoning and expert systems; **deleted**

Or. en

Amendment 3016

Karlo Ressler

**Proposal for a regulation
Annex I – point b**

Text proposed by the Commission

Amendment

(b) Logic- and knowledge-based approaches, including knowledge representation, inductive (logic) programming, knowledge bases, inference and deductive engines, (symbolic) reasoning and expert systems; **deleted**

Or. en

Amendment 3017

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

**Proposal for a regulation
Annex I – point b**

Text proposed by the Commission

Amendment

(b) Logic- and knowledge-based approaches, including knowledge representation, inductive (logic) programming, knowledge bases, inference **deleted**

and deductive engines, (symbolic) reasoning and expert systems;

Or. en

Amendment 3018

Kosma Zlotowski, Eugen Jurzyca, Patryk Jaki, Adam Bielan

Proposal for a regulation

Annex I – point b

Text proposed by the Commission

Amendment

(b) *Logic- and knowledge-based approaches, including knowledge representation, inductive (logic) programming, knowledge bases, inference and deductive engines, (symbolic) reasoning and expert systems;*

(b) *Other data-driven approaches, including search and optimization methods.*

Or. en

Amendment 3019

Carlo Fidanza

Proposal for a regulation

Annex I – point c

Text proposed by the Commission

Amendment

(c) *Statistical approaches, Bayesian estimation, search and optimization methods.*

deleted

Or. en

Justification

To reflect the necessity of a more detailed definition, Annex I should be adjusted and limited to point a) Machine learning approaches, including supervised, unsupervised and reinforcement learning, using a wide variety of methods including deep learning.