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NOTE

From:	Presidency
To:	Permanent Representatives Committee
No. prev. doc.:	11320/23
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Subject:	Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain Union legislative acts - Preparation for the trilogue

INTRODUCTION

1. The Commission adopted the proposal for a Regulation laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) on 21 April 2021.
2. The Council unanimously adopted its General Approach on the proposal on 6 December 2022.
3. The European Parliament (hereinafter: the EP) confirmed its position in a plenary vote on 14 June 2023.

4. Also on 14 June 2023, immediately after the vote in the EP, the co-legislators and the European Commission held the first political trilogue on the AI Act, during which all three institutions outlined their priorities for the negotiations and the technical level was given a broad mandate to work on the entire proposal.
5. On 18 July 2023 the second political trilogue was held, during which some of the less controversial parts of the proposal were agreed and compromise was found on most elements of the chapter concerning measures in support of innovation.
6. Since then ten technical meetings with the EP have taken place, in order to prepare the next batch of provisions for confirmation or agreement at the political level during the third political trilogue, which will take place on 2 and 3 October 2023 in Strasbourg.
7. Between 12 and 20 September 2023, the Presidency consulted the Working Party on Telecommunications and Information Society (hereinafter: WP TELECOM) on all compromise proposals that are going to be discussed during the third political trilogue on 2 and 3 October 2023, and it has addressed most concerns expressed by the delegations in the final wording of the compromise proposals, as presented in the Annex to this note.

II. CONFIRMATION OF ARTICLES PROVISIONALLY AGREED

8. During the technical meetings held since the second trilogue on 18 July 2023 until now, the following articles have been discussed and prepared for confirmation at political level:
 - **Articles 8-12**
 - **Article 51**
 - **Articles 53-55 (with the exception of Articles 54a and 54b)**
 - **Articles 60-68e (with the exception of Articles 63a 68b)**
 - **Articles 70-85**
 - **Annex VIII**
9. In Section I of the Annex to this note, delegations will find the amendments made to the text by the EP and the Council with regard to the articles mentioned above in the fourth column ("Draft Agreement"). As compared to the Commission's proposal, changes are marked as ***bold italics*** (additions) and ~~striketrough~~ (deletions).

10. The rows marked as **green** have been provisionally agreed with the EP at the technical level. The rows marked as **yellow** have also been provisionally agreed, subject to final checks by the EP, and are likely to be turned green. Some elements in those rows have been placed in [square brackets] and some rows are marked in red, which means that they will be agreed at a later stage, subject to solutions on higher-level political issues such as prohibitions, governance, foundation models/general purpose AI systems or exceptions for law enforcement authorities. During the meetings of WP TELECOM held between 12 and 20 September 2023 delegations made several comments concerning these proposals, which have been duly taken into account by the Presidency.

The Presidency considers the compromise proposals in green and yellow to fall within the Council's Genral Approach from 6 December 2022, as amended by the revised mandate obtained from the Permanent Representatives Committee during its meeting on 14 July 2023, but it intends to ask the Committee for confirmation during its meeting on 29 September 2023.

III. POLITICAL ISSUES FOR POTENTIAL AGREEMENT DURING THE THIRD TRILOGUE

11. Apart from confirming the provisions listed in point II above, the co-legislators intend to discuss the following three topics with a view to reaching a provisional agreement at political level during the third trilogue:
- **Classification of AI systems as high-risk** (Recitals 32 and 32a, Articles 6 and 7, Article 51, Article 65a (*new*), subparagraph 2 of Annex III (*new*) and Section D of Annex VIII (*new*))
 - **List of high-risk AI use cases** (Annex III)
 - **Subject matter and scope** (Recitals 1 and 1a, Articles 1 and 2)

All three topics were thoroughly discussed in WP TELECOM on 20 September 2023. Based on the outcome of this discussion, the Presidency would like to ask the Permanent Representatives Committee for flexibilities concerning these three topics, so that it can

approach the trilogue negotiations on 2 and 3 October 2023 with a revised mandate. The proposals for the revised mandate on these three topics can be found in Section II of the Annex to this note.

12. Concerning **the classification of AI systems as high-risk** (Recitals 32 and 32a, Articles 6 and 7, Article 51, Article 65a (*new*), subparagraph 2 of Annex III (*new*) and Section D of Annex VIII (*new*)), the compromise proposal, as set out in Section II, point A of the Annex to this note, is based on elements taken from the approaches of both the Council and the EP. It is based on the assumption that AI systems that fall under Annex III of the AI Act are by default high-risk, unless they exceptionally do not pose a significant risk of harm to the protected legal interests (rule-exception approach). A decision whether the AI system is high-risk or not would be subject to a self-assessment of the provider, based on the three criteria for self-assessment provided in Annex III. To ensure traceability and oversight, providers who conclude that their AI system is not high-risk would have to keep documentation of self-assessment and provide it upon request. They would also need to register the system in a dedicated database, and in addition to this market surveillance authorities would have the power to perform random checks and require the provider to undertake corrective actions to bring the AI system into compliance in case it has been misclassified.

The remaining point of difference between the positions of the co-legislators is that the EP would like to further modify the three criteria for self-assessment in Annex III in order to allow the provider more flexibility to classify AI systems as high-risk or not.

Delegations are asked to indicate whether they would be open to accept the compromise proposal for the classification of AI systems as high-risk as set out in Section II, point A of the Annex to this note and whether they would have flexibility with regard to the modification of the criteria for self-assessment in order to allow the provider more freedom to classify AI systems as high-risk or not.

13. Concerning **the list of high-risk AI use cases** (Annex III), the compromise proposal, as set out in Section II, point B of the Annex to this note, combines the elements taken from the versions of both co-legislators, **with the exception of the rows in red**, which will be agreed

at a later stage together with the respective topics to which they are linked (prohibitions, law enforcement).

The only aspect where the current compromise proposals depart from the Council's mandate is the deletion of the exemptions for micro and small-sized enterprises with regard to use cases of AI systems intended to be used to evaluate the creditworthiness of natural persons or establish their credit score and of AI systems intended to be used for risk assessment and pricing in relation to natural persons in the case of life and health insurance. The Presidency considers that these exemptions could be removed in the spirit of compromise, also bearing in mind that the impact of potentially harmful AI systems on fundamental rights in those two cases would not depend on the size of the company.

Delegations are asked to indicate whether they would be open to accept the list of high-risk AI use cases as presented in the compromise proposal in Section II, point B of the Annex to this note (with the exception of rows marked in red). In particular, delegations are asked to indicate whether they have flexibility with regard to the deletion of the exemptions for micro and small-sized enterprises under use cases concerning the evaluation of creditworthiness of natural persons or establishing their credit score, as well as risk assessment and pricing in the case of life and health insurance.

14. Concerning **subject matter and scope** (Recitals 1 and 1a, Articles 1-2), the current compromise proposal as set out in Section II, point C of the Annex to this note is an attempt to reconcile the positions of both co-legislators. In order to reach agreement with the EP on these two articles, especially with regard to the national security exemption in Article 2(3) in the Council's mandate, the Presidency would like to explore with the delegations whether the Council could move towards the EP's position, as set out in the compromise proposals in Section II, point C of the Annex.

In particular, the delegations are asked to indicate whether they would be flexible to include the new wording at the beginning of Article 1 with references to democracy and rule of law, together with some changes in the respective recitals 1 and 1a, whether they would be able to agree to a minor alignment of the wording on the national security exemption in Article 2(3) with the corresponding wording in the already agreed the Data Act. and whether they would be open to include an exemption from the scope for AI

components provided under free and open-source licences, taking into account that this exemption would not apply to high-risk AI systems.

IV. CONCLUSION

15. In light of the above, and with a view to obtaining a revised mandate for trilogue negotiations on the AI Act on 2 and 3 October, the Permanent Representatives Committee is invited to:

- **endorse the compromise proposals referred to in Part II of this note;**
 - **indicate flexibility with regard to the topics and questions presented in Part III of this note.**
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Section I – Articles for confirmation during the third trilogue on the AI Act

Articles 8-12

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 8				
220	Article 8 Compliance with the requirements	Article 8 Compliance with the requirements	Article 8 Compliance with the requirements	Article 8 Compliance with the requirements Text Origin: Commission Proposal
Article 8(1)				
221	1. High-risk AI systems shall comply with the requirements established in this Chapter.	1. High-risk AI systems shall comply with the requirements established in this Chapter.	1. High-risk AI systems shall comply with the requirements established in this Chapter, <u>taking into account the generally acknowledged state of the art.</u>	1. High-risk AI systems shall comply with the requirements established in this Chapter. Text Origin: Auxiliary 1
Article 8(1a)				
221a		<u>1a. In complying with the requirements established in this Chapter, due account shall be taken of guidelines developed as referred to in Article 82b, the generally acknowledged state of</u>		<u>1a. In complying with the requirements established in this Chapter, [due account shall be taken of guidelines] developed as referred to [in Article 82b], the generally acknowledged state of</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>the art, including as reflected in the relevant harmonised standards and common specifications as referred to in Articles 40 and 41 or those already set out in Union harmonisation law.</u>		<u>the art, including as may be reflected in the relevant harmonised standards and common specifications as referred to in Articles 40 and 41 or those already set out in Union harmonisation law.</u> Text Origin: Auxiliary 1
Article 8(2)				
222	2. The intended purpose of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.	2. The intended purpose of the high-risk AI system, <u>the reasonably foreseeable misuses</u> and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.	2. The intended purpose of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements.	2. The intended purpose of the high-risk AI system and the risk management system referred to in Article 9 shall be taken into account when ensuring compliance with those requirements. Text Origin: Auxiliary 1
Article 8(2a)				
222a		<u>2a. As long as the requirements of Title III, Chapters 2 and 3 or Title VIII, Chapters 1, 2 and 3 for high-risk AI systems are addressed by Union harmonisation law listed in Annex II, Section A, the requirements or obligations of those Chapters of this Regulation shall be deemed to</u>		<u>2a. If the requirements of Title III, Chapters 2 and 3 or Title VIII, Chapters 1, 2 and 3 for high-risk AI systems are addressed by Union harmonisation law listed in Annex II, Section A, the requirements or obligations of those Chapters of this Regulation shall be deemed to</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>be fulfilled, as long as they include the AI component. Requirements of Chapters 2 and 3 of Title III or Title VIII, Chapters 1, 2 and 3 for high-risk AI systems not addressed by Union harmonisation law listed in Annex II Section A, shall be incorporated into that Union harmonisation law, where applicable. The relevant conformity assessment shall be carried out as part of the procedures laid out under Union harmonisation law listed in Annex II, Section A.</u>		<u>be fulfilled, as long as they include the AI component. Requirements of Chapters 2 and 3 of Title III or Title VIII, Chapters 1, 2 and 3 for high-risk AI systems not addressed by Union harmonisation law listed in Annex II Section A, shall be incorporated into that Union harmonisation law, where applicable. The relevant conformity assessment shall be carried out as part of the procedures laid out under Union harmonisation law listed in Annex II, Section A.</u> Text Origin: EP Mandate
Article 9				
223	Article 9 Risk management system	Article 9 Risk management system	Article 9 Risk management system	Article 9 Risk management system Text Origin: Commission Proposal
Article 9(1)				
224	1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems.	1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems, <u>throughout the entire lifecycle of</u>	1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems.	1. A risk management system shall be established, implemented, documented and maintained in relation to high-risk AI systems. <u>The risk management system may</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>the AI system. The risk management system can be integrated into, or a part of, already existing risk management procedures relating to the relevant Union sectoral law insofar as it fulfils the requirements of this article.</u>		<u>be integrated into, or a part of, already existing risk management procedures relating to the relevant Union sectoral law insofar as it fulfils the requirements of this article.</u> Text Origin: Auxiliary 1
	Article 9(2)			
G	225	2. The risk management system shall consist of a continuous iterative process run throughout the entire lifecycle of a high-risk AI system, requiring regular systematic updating. It shall comprise the following steps:	2. The risk management system shall consist of <u>be understood as</u> a continuous iterative process <u>planned and</u> run throughout the entire lifecycle of a high-risk AI system, requiring regular systematic updating. It shall comprise the following steps:	2. The risk management system shall consist of <u>be understood as</u> a continuous iterative process <u>planned and</u> run throughout the entire lifecycle of a high-risk AI system, requiring regular systematic <u>review and</u> updating. It shall comprise the following steps: Text Origin: Auxiliary 1
	Article 9(2), point (a)			
Y	226	(a) identification and analysis of the known and foreseeable risks associated with each high-risk AI system;	(a) identification and analysis of the known and foreseeable risks associated with each <u>most likely to occur to health, safety and fundamental rights in view of the</u>	(a) identification and analysis, <u>estimation and evaluation</u> of the known and <u>the reasonably</u> foreseeable risks associated with each <u>that the high-risk AI system</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>can pose to the health or safety of natural persons, their fundamental rights including equal access and opportunities, democracy and rule of law or the environment when the</u> high-risk AI system <u>is used in accordance with its intended purpose and under conditions of reasonably foreseeable misuse;</u>	<u>intended purpose of the</u> high-risk AI system;	<u>can pose to the [health or safety of natural persons, their fundamental rights including equal access and opportunities, democracy and rule of law or the environment] when the</u> high-risk AI system <u>is used in accordance with its intended purpose and under conditions of reasonably foreseeable misuse;</u> Text Origin: Auxiliary 1
Article 9(2), point (b)				
227	(b) estimation and evaluation of the risks that may emerge when the high-risk AI system is used in accordance with its intended purpose and under conditions of reasonably foreseeable misuse;	<i>deleted</i>	<i>deleted</i>	(b) estimation and evaluation of the risks that may emerge when the high-risk AI system is used in accordance with its intended purpose and under conditions of reasonably foreseeable misuse; <u>deleted</u>
Article 9(2), point (c)				
228	(c) evaluation of other possibly arising risks based on the analysis of data gathered from the post-market monitoring system referred to in Article 61;	(c) evaluation of other possibly arising <u>emerging significant</u> risks <u>as described in point (a) and identified</u> based on the analysis of data gathered from the post-market monitoring system referred to in Article 61;	(c) evaluation of other possibly arising risks based on the analysis of data gathered from the post-market monitoring system referred to in Article 61;	(c) evaluation of other possibly arising risks <u>[emerging] risks as described in point (a) and identified</u> based on the analysis of data gathered from the post-market monitoring system referred to in Article 61;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Auxiliary 1
	Article 9(2), point (d)			
229	(d) adoption of suitable risk management measures in accordance with the provisions of the following paragraphs.	(d) adoption of suitable <u>appropriate and targeted</u> risk management measures <u>designed to address the risks identified pursuant to points a and b of this paragraph</u> in accordance with the provisions of the following paragraphs.	(d) adoption of suitable risk management measures in accordance with the provisions of the following paragraphs.	(d) adoption of suitable <u>appropriate and targeted</u> risk management measures <u>designed to address the risks identified pursuant to points a and b of this paragraph</u> in accordance with the provisions of the following paragraphs. Text Origin: Auxiliary 1
	Article 9(2), point (da)			
229a			<u>2a. The risks referred to in this paragraph shall concern only those which may be reasonably mitigated or eliminated through the development or design of the high-risk AI system, or the provision of adequate technical information.</u>	<u>2a. The risks referred to in this paragraph shall concern only those which may be reasonably mitigated or eliminated through the development or design of the high-risk AI system, or the provision of adequate technical information.</u> Text Origin: Auxiliary 1
	Article 9(3)			
230	3. The risk management measures	3. The risk management measures	3. The risk management measures	3. The risk management measures

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	referred to in paragraph 2, point (d) shall give due consideration to the effects and possible interactions resulting from the combined application of the requirements set out in this Chapter 2. They shall take into account the generally acknowledged state of the art, including as reflected in relevant harmonised standards or common specifications.	referred to in paragraph 2, point (d) shall give due consideration to the effects and possible interactions resulting from the combined application of the requirements set out in this Chapter 2. They shall take into account the generally acknowledged state of the art, including as reflected in relevant harmonised standards or common specifications, <u>with a view to mitigating risks effectively while ensuring an appropriate and proportionate implementation of the requirements.</u>	referred to in paragraph 2, point (d) shall give due consideration to the effects and possible interactions <u>interaction</u> resulting from the combined application of the requirements set out in this Chapter 2. They shall take into account the generally acknowledged state of the art, including as reflected in relevant harmonised standards or common specifications, <u>with a view to minimising risks more effectively while achieving an appropriate balance in implementing the measures to fulfil those requirements.</u>	referred to in paragraph 2, point (d) shall give due consideration to the effects and possible interactions <u>interaction</u> resulting from the combined application of the requirements set out in this Chapter 2. They shall take into account the generally acknowledged state of the art, including as reflected in relevant harmonised standards or common specifications, <u>with a view to minimising risks more effectively while achieving an appropriate balance in implementing the measures to fulfil those requirements.</u> Text Origin: Auxiliary 1
Article 9(4), first subparagraph				
231	4. The risk management measures referred to in paragraph 2, point (d) shall be such that any residual risk associated with each hazard as well as the overall residual risk of the high-risk AI systems is judged acceptable, provided that the high-risk AI system is used in accordance with its intended purpose or under conditions of reasonably foreseeable misuse.	4. The risk management measures referred to in paragraph 2, point (d) shall be such that any <u>relevant</u> residual risk associated with each hazard as well as the overall residual risk of the high-risk AI systems is <u>reasonably</u> judged <u>to be</u> acceptable, provided that the high-risk AI system is used in accordance with its intended purpose or under conditions of	4. The risk management measures referred to in paragraph 2, point (d) shall be such that any residual risk associated with each hazard as well as the overall residual risk of the high-risk AI systems is judged acceptable, provided that the high-risk AI system is used in accordance with its intended purpose or under conditions of reasonably foreseeable misuse.	4. The risk management measures referred to in paragraph 2, point (d) shall be such that any <u>relevant</u> residual risk associated with each hazard as well as the overall residual risk of the high-risk AI systems is judged <u>to be reasonably</u> acceptable, provided that the high-risk AI system is used in accordance with its intended purpose or under conditions of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Those residual risks shall be communicated to the user.	reasonably foreseeable misuse. Those residual risks <u>and the reasoned judgements made</u> shall be communicated to the user <u>deployer</u> .	Those residual risks shall be communicated to the user.	reasonably foreseeable misuse. Those residual risks shall be communicated to the user <u>deployer</u> . Text Origin: Auxiliary 1
Article 9(4), second subparagraph				
232	In identifying the most appropriate risk management measures, the following shall be ensured:	In identifying the most appropriate risk management measures, the following shall be ensured:	In identifying the most appropriate risk management measures, the following shall be ensured:	In identifying the most appropriate risk management measures, the following shall be ensured: Text Origin: Commission Proposal
Article 9(4), second subparagraph, point (a)				
233	(a) elimination or reduction of risks as far as possible through adequate design and development;	(a) elimination or reduction of <u>identified</u> risks as far as possible <u>technically feasible</u> through adequate design and development <u>of the high-risk AI system, involving when relevant, experts and external stakeholders</u> ;	(a) elimination or reduction of risks <u>identified and evaluated pursuant to paragraph 2</u> as far as possible through adequate design and development <u>of the high risk AI system</u> ;	(a) elimination or reduction of <u>identified</u> risks <u>and evaluated pursuant to paragraph 2</u> as far as possible <u>technically feasible</u> through adequate design and development <u>of the high-risk AI system</u> . Text Origin: EP Mandate
Article 9(4), second subparagraph, point (b)				
234	(b) where appropriate, implementation of adequate mitigation and control measures in	(b) where appropriate, implementation of adequate mitigation and control measures in	(b) where appropriate, implementation of adequate mitigation and control measures in	(b) where appropriate, implementation of adequate mitigation and control measures in

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	relation to risks that cannot be eliminated;	relation to <u>addressing significant</u> risks that cannot be eliminated;	relation to risks that cannot be eliminated;	relation to <u>addressing [significant]</u> risks that cannot be eliminated; Text Origin: EP Mandate
Article 9(4), second subparagraph, point (c)				
235	(c) provision of adequate information pursuant to Article 13, in particular as regards the risks referred to in paragraph 2, point (b) of this Article, and, where appropriate, training to users.	(c) provision of adequate <u>the required</u> information pursuant to Article 13, in particular as regards the risks referred to in paragraph 2, point (b) of this Article, and, where appropriate, training to users <u>deployers</u> .	(c) provision of adequate information pursuant to Article 13, in particular as regards the risks referred to in paragraph 2, point (b) of this Article, and, where appropriate, training to users.	(c) provision of adequate <u>the required</u> information pursuant to Article 13, in particular as regards the risks referred to in paragraph 2, point (b) of this Article, and, where appropriate, training to users <u>deployers</u> . Text Origin: EP Mandate
Article 9(4), third subparagraph				
236	In eliminating or reducing risks related to the use of the high-risk AI system, due consideration shall be given to the technical knowledge, experience, education, training to be expected by the user and the environment in which the system is intended to be used.	In eliminating or reducing risks related to the use of the high-risk AI system, due consideration <u>providers</u> shall be given to <u>take into due consideration</u> the technical knowledge, experience, education, training to be expected by the user and the environment in which the system is intended to be used <u>and training the deployer may need, including in relation to the presumable context of use.</u>	With a view to <u>eliminating or</u> reducing risks related to the use of the high-risk AI system, due consideration shall be given to the technical knowledge, experience, education, training to be expected by the user and the environment in which the system is intended to be used.	With a view to <u>eliminating or</u> reducing risks related to the use of the high-risk AI system, due consideration shall be given to the technical knowledge, experience, education, training to be expected by the user <u>deployer</u> and the environment <u>presumable context</u> in which the system is intended to be used. Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 9(5)			
G 237	5. High-risk AI systems shall be tested for the purposes of identifying the most appropriate risk management measures. Testing shall ensure that high-risk AI systems perform consistently for their intended purpose and they are in compliance with the requirements set out in this Chapter.	5. High-risk AI systems shall be tested for the purposes of identifying the most appropriate <u>and targeted</u> risk management measures <u>and weighing any such measures against the potential benefits and intended goals of the system</u> . Testing shall ensure that high-risk AI systems perform consistently for their intended purpose and they are in compliance with the requirements set out in this Chapter.	5. High-risk AI systems shall be tested for the purposes of identifying the most appropriate risk management measures. <u>Testing shall ensure that high-risk AI systems perform consistently for in order to ensure that high-risk AI systems perform in a manner that is consistent with</u> their intended purpose and they are in compliance with the requirements set out in this Chapter.	5. High-risk AI systems shall be tested for the purposes of identifying the most appropriate <u>and targeted</u> risk management measures. Testing shall ensure that high-risk AI systems perform consistently for their intended purpose and they are in compliance with the requirements set out in this Chapter. Text Origin: EP Mandate
	Article 9(6)			
R 238	6. Testing procedures shall be suitable to achieve the intended purpose of the AI system and do not need to go beyond what is necessary to achieve that purpose.	6. Testing procedures shall be suitable to achieve the intended purpose of the AI system and do not need to go beyond what is necessary to achieve that purpose.	6. Testing procedures shall be suitable to achieve the intended purpose of the AI system and do not need to go beyond what is necessary to achieve that purpose <u>may include testing in real world conditions in accordance with Article 54a.</u>	6. <u>[</u> Testing procedures shall be suitable to achieve the intended purpose of the AI system and do not need to go beyond what is necessary to achieve that purpose <u>may include testing in real world conditions in accordance with Article 54a.]</u> Text Origin: Council Mandate
	Article 9(7)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
239	7. The testing of the high-risk AI systems shall be performed, as appropriate, at any point in time throughout the development process, and, in any event, prior to the placing on the market or the putting into service. Testing shall be made against preliminarily defined metrics and probabilistic thresholds that are appropriate to the intended purpose of the high-risk AI system.	7. The testing of the high-risk AI systems shall be performed, as appropriate, at any point in time throughout the development process, and, in any event, prior to the placing on the market or the putting into service. Testing shall be made against preliminarily <u>prior</u> defined metrics, and probabilistic thresholds that are appropriate to the intended purpose <u>or reasonably foreseeable misuse</u> of the high-risk AI system.	7. The testing of the high-risk AI systems shall be performed, as appropriate, at any point in time throughout the development process, and, in any event, prior to the placing on the market or the putting into service. Testing shall be made against preliminarily defined metrics and probabilistic thresholds that are appropriate to the intended purpose of the high-risk AI system.	7. The testing of the high-risk AI systems shall be performed, as appropriate, at any point in time throughout the development process, and, in any event, prior to the placing on the market or the putting into service. Testing shall be made against preliminarily <u>prior</u> defined metrics and probabilistic thresholds that are appropriate to the intended purpose <u>or [reasonably foreseeable misuse]</u> of the high-risk AI system. Text Origin: Council Mandate
Article 9(8)				
240	8. When implementing the risk management system described in paragraphs 1 to 7, specific consideration shall be given to whether the high-risk AI system is likely to be accessed by or have an impact on children.	8. When implementing the risk management system described in paragraphs 1 to 7, specific consideration shall be given <u>providers shall give specific consideration</u> to whether the high-risk AI system is likely to be accessed by or have an impact on <u>adversely impact vulnerable groups of people or</u> children.	8. When implementing The risk management system described in paragraphs 1 to 7, specific consideration shall be given <u>shall give specific consideration</u> to whether the high-risk AI system is likely to be accessed by or have an impact on children <u>persons under the age of 18</u> .	8. When implementing the risk management system described in paragraphs 1 to 7, specific 6, <u>providers shall give</u> consideration shall be given to whether to <u>whether in view of its intended purpose</u> the high-risk AI system is likely to be accessed by or have an impact on children <u>adversely impact persons under the age of 18 and, as appropriate, other vulnerable groups of people [protected under article 5(1)b].</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 9(9)				
241	9. For credit institutions regulated by Directive 2013/36/EU, the aspects described in paragraphs 1 to 8 shall be part of the risk management procedures established by those institutions pursuant to Article 74 of that Directive.	9. For <u>providers and AI systems already covered by Union law that require them to establish a specific risk management, including</u> credit institutions regulated by Directive 2013/36/EU, the aspects described in paragraphs 1 to 8 shall be part of <u>or combined with</u> the risk management procedures established by those institutions pursuant to Article 74 of that Directive <u>that Union law</u> .	9. For credit institutions regulated by Directive 2013/36/EU <u>providers of high-risk AI systems that are subject to requirements regarding internal risk management processes under relevant sectorial Union law</u> , the aspects described in paragraphs 1 to 8 shall <u>may</u> be part of the risk management procedures established by those institutions pursuant to Article 74 of that Directive <u>that law</u> .	9. For credit institutions regulated by Directive 2013/36/EU <u>providers of high-risk AI systems that are subject to requirements regarding internal risk management processes under relevant sectorial Union law</u> , the aspects described in paragraphs 1 to 8 shall <u>may</u> be part of <u>or combined with</u> the risk management procedures established by those institutions pursuant to Article 74 of that Directive <u>that law</u> . Text Origin: Council Mandate
Article 10				
242	Article 10 Data and data governance	Article 10 Data and data governance	Article 10 Data and data governance	Article 10 Data and data governance Text Origin: Commission Proposal
Article 10(-1)(1)				
243	1. High-risk AI systems which make use of techniques involving	1. High-risk AI systems which make use of techniques involving	1. High-risk AI systems which make use of techniques involving	1. High-risk AI systems which make use of techniques involving

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the training of models with data shall be developed on the basis of training, validation and testing data sets that meet the quality criteria referred to in paragraphs 2 to 5.	the training of models with data shall be developed on the basis of training, validation and testing data sets that meet the quality criteria referred to in paragraphs 2 to 5 <u>as far as this is technically feasible according to the specific market segment or scope of application.</u>	the training of models with data shall be developed on the basis of training, validation and testing data sets that meet the quality criteria referred to in paragraphs 2 to 5.	the training of models with data shall be developed on the basis of training, validation and testing data sets that meet the quality criteria referred to in paragraphs 2 to 5 <u>whenever such datasets are used.</u> Text Origin: Commission Proposal
Article 10(1), second subparagraph new				
243a		<u>Techniques that do not require labelled input data such as unsupervised learning and reinforcement learning shall be developed on the basis of data sets such as for testing and verification that meet the quality criteria referred to in paragraphs 2 to 5.</u>		
Article 10(2)				
244	2. Training, validation and testing data sets shall be subject to appropriate data governance and management practices. Those practices shall concern in particular,	2. Training, validation and testing data sets shall be subject to appropriate data governance and management practices <u>appropriate for the context of use as well as the intended purpose of the AI system.</u> Those practices <u>measures</u> shall concern in particular,	2. Training, validation and testing data sets shall be subject to appropriate data governance and management practices. Those practices shall concern in particular;	2. Training, validation and testing data sets shall be subject to appropriate data governance and management practices <u>appropriate for the intended purpose of the AI system.</u> Those practices shall concern in particular, Text Origin: Commission

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				Proposal
	Article 10(2), point (a)			
245	(a) the relevant design choices;	(a) the relevant design choices;	(a) the relevant design choices;	(a) the relevant design choices; Text Origin: Commission Proposal
	Article 10(2), point (aa)			
245a		<u>(aa) transparency as regards the original purpose of data collection;</u>		<u>(aa) data collection processes and origin of data, and in the case of personal data, the original purpose of data collection;</u>
	Article 10(2), point (b)			
246	(b) data collection;	(b) data collection <u>processes</u> ;	(b) data collection <u>processes</u> ;	(b) data collection; <u>[deleted]</u>
	Article 10(2), point (c)			
247	(c) relevant data preparation processing operations, such as annotation, labelling, cleaning, enrichment and aggregation;	(c) relevant data preparation processing operations, such as annotation, labelling, cleaning, <u>updating</u> , enrichment and aggregation;	(c) relevant data preparation processing operations, such as annotation, labelling, cleaning, enrichment and aggregation;	(c) relevant data preparation processing operations, such as annotation, labelling, cleaning, <u>updating</u> , enrichment and aggregation; Text Origin: EP Mandate
	Article 10(2), point (d)			

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248	(d) the formulation of relevant assumptions, notably with respect to the information that the data are supposed to measure and represent;	(d) the formulation of relevant assumptions, notably with respect to the information that the data are supposed to measure and represent;	(d) the formulation of relevant assumptions, notably with respect to the information that the data are supposed to measure and represent;	(d) the formulation of relevant assumptions, notably with respect to the information that the data are supposed to measure and represent; Text Origin: EP Mandate
Article 10(2), point (e)				
249	(e) a prior assessment of the availability, quantity and suitability of the data sets that are needed;	(e) a prior assessment of the availability, quantity and suitability of the data sets that are needed;	(e) a prior assessment of the availability, quantity and suitability of the data sets that are needed;	(e) a prior assessment of the availability, quantity and suitability of the data sets that are needed; Text Origin: EP Mandate
Article 10(2), point (f)				
250	(f) examination in view of possible biases;	(f) examination in view of possible biases <u>that are likely to affect the health and safety of persons, negatively impact fundamental rights or lead to discrimination prohibited under Union law, especially where data outputs influence inputs for future operations ('feedback loops') and appropriate measures to detect, prevent and mitigate possible biases;</u>	(f) examination in view of possible biases <u>that are likely to affect health and safety of natural persons or lead to discrimination prohibited by Union law;</u>	(f) examination in view of possible biases <u>that are likely to affect the health and safety of persons, negatively impact fundamental rights or lead to discrimination prohibited under Union law, especially where data outputs influence inputs for future operations;</u> Text Origin: EP Mandate
Article 10(2), point (fa)				

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250a		<u>(fa) appropriate measures to detect, prevent and mitigate possible biases;</u>		<u>(fa) appropriate measures to detect, prevent and mitigate possible biases identified according to point f;</u> Text Origin: EP Mandate
Article 10(2), point (g)				
251	(g) the identification of any possible data gaps or shortcomings, and how those gaps and shortcomings can be addressed.	(g) the identification of any <u>possible relevant</u> data gaps or shortcomings <u>that prevent compliance with this Regulation</u> , and how those gaps and shortcomings can be addressed.	(g) the identification of any possible data gaps or shortcomings, and how those gaps and shortcomings can be addressed.	(g) the identification of any <u>possible relevant</u> data gaps or shortcomings <u>that prevent compliance with this Regulation</u> , and how those gaps and shortcomings can be addressed. Text Origin: EP Mandate
Article 10(3)				
252	3. Training, validation and testing data sets shall be relevant, representative, free of errors and complete. They shall have the appropriate statistical properties, including, where applicable, as regards the persons or groups of persons on which the high-risk AI system is intended to be used. These characteristics of the data sets may be met at the level of	3. Training <u>datasets, and where they are used</u> , validation and testing data-sets <u>datasets, including the labels</u> , shall be relevant, <u>sufficiently</u> representative, free <u>of appropriately vetted for</u> errors and <u>be as complete as possible in view of the intended purpose</u> . They shall have the appropriate statistical properties, including, where applicable, as regards the	3. Training, validation and testing data sets shall be relevant, representative, <u>and to the best extent possible</u> , free of errors and complete. They shall have the appropriate statistical properties, including, where applicable, as regards the persons or groups of persons on which the high-risk AI system is intended to be used. These characteristics of the data	3. Training <u>datasets, and where they are used</u> , validation and testing data-sets <u>datasets</u> shall be relevant, <u>sufficiently</u> representative, <u>and to the best extent possible</u> , free of errors and complete <u>in view of the intended purpose</u> . They shall have the appropriate statistical properties, including, where applicable, as regards the persons or groups of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	individual data sets or a combination thereof.	persons or groups of persons on which <u>in relation to whom</u> the high-risk AI system is intended to be used. These characteristics of the data sets may <u>datasets shall</u> be met at the level of individual data sets <u>datasets</u> or a combination thereof.	sets may be met at the level of individual data sets or a combination thereof.	persons on which <u>in relation to whom</u> the high-risk AI system is intended to be used. - These characteristics of the data sets may be met at the level of individual data sets or a combination thereof. Text Origin: EP Mandate
Article 10(4)				
253	4. Training, validation and testing data sets shall take into account, to the extent required by the intended purpose, the characteristics or elements that are particular to the specific geographical, behavioural or functional setting within which the high-risk AI system is intended to be used.	4. Training, validation and testing data sets <u>Datasets</u> shall take into account, to the extent required by the intended purpose <u>or reasonably foreseeable misuses of the AI system</u> , the characteristics or elements that are particular to the specific geographical, <u>contextual</u> , behavioural or functional setting within which the high-risk AI system is intended to be used.	4. Training, validation and testing data sets shall take into account, to the extent required by the intended purpose, the characteristics or elements that are particular to the specific geographical, behavioural or functional setting within which the high-risk AI system is intended to be used.	4. Training, validation and testing data sets <u>Datasets</u> shall take into account, to the extent required by the intended purpose, the characteristics or elements that are particular to the specific geographical, <u>contextual</u> , behavioural or functional setting within which the high-risk AI system is intended to be used. Text Origin: EP Mandate
Article 10(4a)(5)				
254	5. To the extent that it is strictly necessary for the purposes of ensuring bias monitoring, detection and correction in relation to the high-risk AI systems, the providers of such systems may process	5. To the extent that it is strictly necessary for the purposes of ensuring bias monitoring <u>negative bias</u> detection and correction in relation to the high-risk AI systems, the providers of such	5. To the extent that it is strictly necessary for the purposes of ensuring bias monitoring, detection and correction in relation to the high-risk AI systems, the providers of such systems may process	5. To the extent that it is strictly necessary for the purposes of ensuring bias monitoring detection and correction in relation to the high-risk AI systems <u>in accordance with the second</u>

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	special categories of personal data referred to in Article 9(1) of Regulation (EU) 2016/679, Article 10 of Directive (EU) 2016/680 and Article 10(1) of Regulation (EU) 2018/1725, subject to appropriate safeguards for the fundamental rights and freedoms of natural persons, including technical limitations on the re-use and use of state-of-the-art security and privacy-preserving measures, such as pseudonymisation, or encryption where anonymisation may significantly affect the purpose pursued.	systems may <u>exceptionally</u> process special categories of personal data referred to in Article 9(1) of Regulation (EU) 2016/679, Article 10 of Directive (EU) 2016/680 and Article 10(1) of Regulation (EU) 2018/1725, subject to appropriate safeguards for the fundamental rights and freedoms of natural persons, including technical limitations on the re-use and use of state-of-the-art security and privacy-preserving. <u>In particular, all the following conditions shall apply in order for this processing to occur:</u> measures, such as pseudonymisation, or encryption where anonymisation may significantly affect the purpose pursued.	special categories of personal data referred to in Article 9(1) of Regulation (EU) 2016/679, Article 10 of Directive (EU) 2016/680 and Article 10(1) of Regulation (EU) 2018/1725, subject to appropriate safeguards for the fundamental rights and freedoms of natural persons, including technical limitations on the re-use and use of state-of-the-art security and privacy-preserving measures, such as pseudonymisation, or encryption where anonymisation may significantly affect the purpose pursued.	<u>subparagraph, point f/fa</u> , the providers of such systems may <u>exceptionally</u> process special categories of personal data referred to in Article 9(1) of Regulation (EU) 2016/679, Article 10 of Directive (EU) 2016/680 and Article 10(1) of Regulation (EU) 2018/1725, subject to appropriate safeguards for the fundamental rights and freedoms of natural persons, including technical limitations on the re-use and use of state-of-the-art security and privacy-preserving measures, such as pseudonymisation, or encryption where anonymisation may significantly affect the purpose pursued. <u>In addition to provisions set out in the Regulation (EU) 2016/679, Directive (EU) 2016/680 and Regulation (EU) 2018/1725, all the following conditions shall apply in order for such processing to occur:</u>
	Article 10(5), first subparagraph, point (a) new)			
254a		<u>(a) the bias detection and correction cannot be effectively fulfilled by processing synthetic or anonymised data;</u>		<u>(a) the bias detection and correction cannot be effectively fulfilled by processing other data, including synthetic or anonymised data;</u>

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	Article 10(5), first subparagraph, point (a new)			
254b		<u>(b) the data are pseudonymised;</u>		<u>(b) the special categories of personal data processed for the purpose of this paragraph are subject to technical limitations on the re-use of the personal data and state of the art security and privacy-preserving measures, including pseudonymisation;</u>
	Article 10(5), first subparagraph, point (a new)			
254c		<u>(c) the provider takes appropriate technical and organisational measures to ensure that the data processed for the purpose of this paragraph are secured, protected, subject to suitable safeguards and only authorised persons have access to those data with appropriate confidentiality obligations;</u>		<u>(c) the special categories of personal data processed for the purpose of this paragraph are subject to measures to ensure that the personal data processed for the purpose of this paragraph are secured, protected, subject to suitable safeguards strict controls, including documentation of the access, to avoid misuse and ensure only authorised persons have access to those personal data with appropriate confidentiality obligations;</u>
	Article 10(5), first subparagraph, point (a new)			
254d				

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		<u>(d) the data processed for the purpose of this paragraph are not to be transmitted, transferred or otherwise accessed by other parties;</u>		<u>(d) the special categories of personal data processed for the purpose of this paragraph are not to be transmitted, transferred or otherwise accessed by other parties;</u>
	Article 10(5), first subparagraph, point (a new)			
254e		<u>(e) the data processed for the purpose of this paragraph are protected by means of appropriate technical and organisational measures and deleted once the bias has been corrected or the personal data has reached the end of its retention period;</u>		<u>(e) the special categories of personal data processed for the purpose of this paragraph are deleted once the bias has been corrected or the personal data has reached the end of its retention period, whatever comes first;</u>
	Article 10(5), first subparagraph, point (f new)			
254f		<u>(f) effective and appropriate measures are in place to ensure availability, security and resilience of processing systems and services against technical or physical incidents;</u>		
	Article 10(5), first subparagraph, point (g new)			
254g		<u>(g) effective and appropriate measures are in place to ensure</u>		

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		<u>physical security of locations where the data are stored and processed, internal IT and IT security governance and management, certification of processes and products;</u>		
Article 10(5), second subparagraph new				
254h		<u>Providers having recourse to this provision shall draw up documentation explaining why the processing of special categories of personal data was necessary to detect and correct biases.</u>		<u>f) the records of processing activities pursuant to Regulation (EU) 2016/679, Directive (EU) 2016/680 and Regulation (EU) 2018/1725 includes justification why the processing of special categories of personal data was strictly necessary to detect and correct biases and this objective could not be achieved by processing other data.</u>
Article 10(6)				
255	6. Appropriate data governance and management practices shall apply for the development of high-risk AI systems other than those which make use of techniques involving the training of models in order to ensure that those high-risk AI systems comply with paragraph 2.	6. Appropriate data governance and management practices shall apply for the development of high-risk AI systems other than those which make use of techniques involving the training of models in order to ensure that those high-risk AI systems comply with paragraph 2.	6. Appropriate data governance and management practices shall apply For the development of high-risk AI systems other than those which make use of not using techniques involving the training of models, <u>paragraphs 2 to 5 shall apply only to the testing data sets</u> in order to ensure that those high-	6. Appropriate data governance and management practices shall apply For the development of high-risk AI systems other than those which make use of not using techniques involving the training of models, <u>paragraphs 2 to 5 shall apply only to the testing data sets</u> in order to ensure that those high-

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<i>risk AI systems comply with paragraph 2.</i>	<i>risk AI systems comply with paragraph 2.</i> Text Origin: Council Mandate
Article 11				
256	Article 11 Technical documentation	Article 11 Technical documentation	Article 11 Technical documentation	Article 11 Technical documentation Text Origin: Commission Proposal
Article 11(1), first subparagraph				
257	1. The technical documentation of a high-risk AI system shall be drawn up before that system is placed on the market or put into service and shall be kept up-to date.	1. The technical documentation of a high-risk AI system shall be drawn up before that system is placed on the market or put into service and shall be kept up-to date.	1. The technical documentation of a high-risk AI system shall be drawn up before that system is placed on the market or put into service and shall be kept up-to date.	1. The technical documentation of a high-risk AI system shall be drawn up before that system is placed on the market or put into service and shall be kept up-to date. Text Origin: Commission Proposal
Article 11(1), second subparagraph				
258	The technical documentation shall be drawn up in such a way to demonstrate that the high-risk AI system complies with the requirements set out in this Chapter	The technical documentation shall be drawn up in such a way to demonstrate that the high-risk AI system complies with the requirements set out in this Chapter	The technical documentation shall be drawn up in such a way to demonstrate that the high-risk AI system complies with the requirements set out in this Chapter	The technical documentation shall be drawn up in such a way to demonstrate that the high-risk AI system complies with the requirements set out in this Chapter

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and provide national competent authorities and notified bodies with all the necessary information to assess the compliance of the AI system with those requirements. It shall contain, at a minimum, the elements set out in Annex IV.	and provide national competent <u>supervisory</u> authorities and notified bodies with all the necessary information to assess the compliance of the AI system with those requirements. It shall contain, at a minimum, the elements set out in Annex IV <u>or, in the case of SMEs and start-ups, any equivalent documentation meeting the same objectives, subject to approval of the competent national authority.</u>	and provide national competent authorities and notified bodies with all the necessary information <u>in a clear and comprehensive form</u> to assess the compliance of the AI system with those requirements. It shall contain, at a minimum, the elements set out in Annex IV <u>or, in the case of SMEs, including start-ups, any equivalent documentation meeting the same objectives, unless deemed inappropriate by the competent authority.</u>	and provide national competent authorities <u>[supervisory authority]</u> and notified bodies with all the necessary information <u>in a clear and comprehensive form</u> to assess the compliance of the AI system with those requirements. It shall contain, at a minimum, the elements set out in Annex IV. <u>SMEs, including start-ups, may provide the elements of the technical documentation specified in Annex IV in a simplified manner. For this purpose, the Commission shall establish a simplified technical documentation form targeted at the needs of small and micro enterprises. Where an SME, including start-ups, opts to provide the information required in Annex IV in a simplified manner, it shall use the form referred to in this paragraph. Notified bodies shall accept the form for the purpose of conformity assessment.</u> Text Origin: Auxiliary 1
Article 11(2)				
259	2. Where a high-risk AI system	2. Where a high-risk AI system	2. Where a high-risk AI system	2. Where a high-risk AI system

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	related to a product, to which the legal acts listed in Annex II, section A apply, is placed on the market or put into service one single technical documentation shall be drawn up containing all the information set out in Annex IV as well as the information required under those legal acts.	related to a product, to which the legal acts listed in Annex II, section A apply, is placed on the market or put into service one single technical documentation shall be drawn up containing all the information set out in Annex <i>¶paragraph 1</i> as well as the information required under those legal acts.	related to a product, to which the legal acts listed in Annex II, section A apply, is placed on the market or put into service one single technical documentation shall be drawn up containing all the information set out in Annex IV as well as the information required under those legal acts.	related to a product, to which the legal acts listed in Annex II, section A apply, is placed on the market or put into service one single technical documentation shall be drawn up containing all the information set out in Annex <i>¶paragraph 1</i> as well as the information required under those legal acts. Text Origin: EP Mandate
Article 11(3)				
260	3. The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend Annex IV where necessary to ensure that, in the light of technical progress, the technical documentation provides all the necessary information to assess the compliance of the system with the requirements set out in this Chapter.	3. The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend Annex IV where necessary to ensure that, in the light of technical progress, the technical documentation provides all the necessary information to assess the compliance of the system with the requirements set out in this Chapter.	3. The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend Annex IV where necessary to ensure that, in the light of technical progress, the technical documentation provides all the necessary information to assess the compliance of the system with the requirements set out in this Chapter.	
Article 11(3a new)				
260a		<i><u>3a. Providers that are credit institutions regulated by Directive 2013/36/EU shall maintain the</u></i>		

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		<u>technical documentation as part of the documentation concerning internal governance, arrangements, processes and mechanisms pursuant to Article 74 of that Directive.</u>		
Article 12				
261	Article 12 Record-keeping	Article 12 Record-keeping	Article 12 Record-keeping	Article 12 Record-keeping Text Origin: Commission Proposal
Article 12(1)				
262	1. High-risk AI systems shall be designed and developed with capabilities enabling the automatic recording of events ('logs') while the high-risk AI systems is operating. Those logging capabilities shall conform to recognised standards or common specifications.	1. High-risk AI systems shall be designed and developed with capabilities enabling the automatic recording of events ('logs') while the high-risk AI systems is operating. Those logging capabilities shall conform to <u>the state of the art and</u> recognised standards or common specifications.	1. High-risk AI systems shall be designed and developed with capabilities enabling <u>technically allow for</u> the automatic recording of events ('logs') while the high-risk AI systems is operating. Those logging capabilities shall conform to recognised standards or common specifications <u>over the duration of the life cycle of the system.</u>	1. High-risk AI systems shall be designed and developed with capabilities enabling <u>technically allow for</u> the automatic recording of events ('logs') while the high-risk AI systems is operating. Those logging capabilities shall conform to recognised standards or common specifications <u>over the duration of the lifetime of the system.</u> Text Origin: Council Mandate
Article 12(2)				

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G 263	2. The logging capabilities shall ensure a level of traceability of the AI system's functioning throughout its lifecycle that is appropriate to the intended purpose of the system.	2. The logging capabilities shall <u>In order to</u> ensure a level of traceability of the AI system's functioning throughout its lifecycle <u>entire lifetime</u> that is appropriate to the intended purpose of the system, <u>the logging capabilities shall facilitate the monitoring of operations as referred to in Article 29(4) as well as the post market monitoring referred to in Article 61. In particular, they shall enable the recording of events relevant for the identification of situations that may:</u>	2. The logging capabilities shall <u>In order to</u> ensure a level of traceability of the AI system's functioning throughout its lifecycle that is appropriate to the intended purpose of the system, <u>logging capabilities shall enable the recording of events relevant for:</u>	2. The logging capabilities shall <u>In order to</u> ensure a level of traceability of the AI system's functioning throughout its lifecycle that is appropriate to the intended purpose of the system, <u>logging capabilities shall enable the recording of events relevant for:</u> Text Origin: Council Mandate
	Article 12(2), point (a new)			
G 263a		<u>(a) result in the AI system presenting a risk within the meaning of Article 65(1); or</u>		
	Article 12(2), point (b new)			
G 263b		<u>(b) lead to a substantial modification of the AI system.</u>		
	Article 12(2a new)			
R 263c				R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>2a. High-risk AI systems shall be designed and developed with, the logging capabilities enabling the recording of energy consumption, the measurement or calculation of resource use and environmental impact of the high-risk AI system during all phases of the system's lifecycle.</u>		
	Article 12(2a)			
G 263d			<u>2a. (i) identification of situations that may result in the AI system presenting a risk within the meaning of Article 65(1) or in a substantial modification; (ii) facilitation of the post-market monitoring referred to in Article 61; and (iii) monitoring of the operation of high-risk AI systems referred to in Article 29(4).</u>	<u>2a. (i) identification of situations that may result in the AI system presenting a risk within the meaning of Article 65(1) or in a substantial modification; (ii) facilitation of the post-market monitoring referred to in Article 61; and (iii) monitoring of the operation of high-risk AI systems referred to in Article 29(4).</u> Text Origin: Council Mandate
	Article 12(3)			
G 264	3. In particular, logging capabilities shall enable the monitoring of the operation of the high-risk AI system with respect to	deleted	deleted	3. In particular, logging capabilities shall enable the monitoring of the operation of the high-risk AI system with respect to

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the occurrence of situations that may result in the AI system presenting a risk within the meaning of Article 65(1) or lead to a substantial modification, and facilitate the post-market monitoring referred to in Article 61.			the occurrence of situations that may result in the AI system presenting a risk within the meaning of Article 65(1) or lead to a substantial modification, and facilitate the post-market monitoring referred to in Article 61. <u>deleted</u>
Article 12(4)				
265	4. For high-risk AI systems referred to in paragraph 1, point (a) of Annex III, the logging capabilities shall provide, at a minimum:	4. For high-risk AI systems referred to in paragraph 1, point (a) of Annex III, the logging capabilities shall provide, at a minimum:	4. For high-risk AI systems referred to in paragraph 1, point (a) of Annex III, the logging capabilities shall provide, at a minimum:	4. For high-risk AI systems referred to in paragraph 1, point (a) of Annex III, the logging capabilities shall provide, at a minimum: Text Origin: Commission Proposal
Article 12(4), point (a)				
266	(a) recording of the period of each use of the system (start date and time and end date and time of each use);	(a) recording of the period of each use of the system (start date and time and end date and time of each use);	(a) recording of the period of each use of the system (start date and time and end date and time of each use);	(a) recording of the period of each use of the system (start date and time and end date and time of each use); Text Origin: Commission Proposal
Article 12(4), point (b)				
267				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(b) the reference database against which input data has been checked by the system;	(b) the reference database against which input data has been checked by the system;	(b) the reference database against which input data has been checked by the system;	(b) the reference database against which input data has been checked by the system; Text Origin: Commission Proposal
Article 12(4), point (c)				
268	(c) the input data for which the search has led to a match;	(c) the input data for which the search has led to a match;	(c) the input data for which the search has led to a match;	(c) the input data for which the search has led to a match; Text Origin: Commission Proposal
Article 12(4), point (d)				
269	(d) the identification of the natural persons involved in the verification of the results, as referred to in Article 14 (5).	(d) the identification of the natural persons involved in the verification of the results, as referred to in Article 14 (5).	(d) the identification of the natural persons involved in the verification of the results, as referred to in Article 14 (5).	(d) the identification of the natural persons involved in the verification of the results, as referred to in Article 14 (5). Text Origin: Commission Proposal

Article 51

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 51				
509	Article 51 Registration	Article 51 Registration	Article 51 <u>Registration of relevant operators and of high-risk AI systems listed in Annex III</u> Registration	Article 51 Registration Text Origin: Commission Proposal
Article 51, first paragraph				
510	Before placing on the market or putting into service a high-risk AI system referred to in Article 6(2), the provider or, where applicable, the authorised representative shall register that system in the EU database referred to in Article 60.	Before placing on the market or putting into service a high-risk AI system referred to in Article 6(2), the provider or, where applicable, the authorised representative shall register that system in the EU database referred to in Article 60, <u>in accordance with Article 60(2);</u>	Before placing on the market or putting into service a high-risk AI system <u>listed in Annex III with the exception of high-risk AI systems</u> referred to in Article 6(2) <u>Annex III, points 1, 6 and 7 in the areas of law enforcement, migration, asylum and border control management, and high risk AI systems referred to in Annex III point 2</u> , the provider or, and where applicable, the authorised representative shall register that system <u>themselves</u> in the EU database referred to in Article 60. <u>The provider or, where applicable the authorised representative, shall also register their systems in that database.</u>	Before placing on the market or putting into service a high-risk AI system <u>listed in Annex III [with the exception of high-risk AI systems]</u> referred to in Article 6(2) <u>Annex III, points 1, 6 and 7 in the areas of law enforcement, migration, asylum and border control management, and high risk AI systems referred to in Annex III point 2]</u> , the provider or, where applicable, the authorised representative shall register that system in the EU database referred to in Article 60.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 51, first paragraph a				
Y	510a		<u>-1. Before using a high-risk AI system listed in Annex III, users of high-risk AI systems that are public authorities, agencies or bodies, or entities acting on their behalf, shall register themselves in the EU database referred to in Article 60 and select the system that they envisage to use.</u>	<u>Before putting into service or using a high-risk AI system in accordance with Article 6(2), deployers who are public authorities, agencies or bodies, Union institutions or deployers acting on their behalf, shall register the use of that AI system in the EU database referred to in Article 60.</u>
Article 51, third paragraph				
Y	510b		<u>The obligations laid down in the previous subparagraph shall not apply to law enforcement, border control, immigration or asylum authorities, agencies or bodies and authorities, agencies or bodies using high-risk AI systems referred to Annex III point 2, as well as to entities acting on their behalf.</u>	<u>[The obligations laid down in the previous subparagraph shall not apply to law enforcement, border control, immigration or asylum authorities, agencies or bodies and authorities, agencies or bodies using high-risk AI systems referred to Annex III point 2, as well as to entities acting on their behalf.]</u> Text Origin: Council Mandate
Article 51, (1a)				
G	510c	<u>1a Before putting into service or using a high-risk AI system in</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>accordance with Article 6(2), the following categories of deployers shall register the use of that AI system in the EU database referred to in Article 60:</u></p> <p><u>a) deployers who are public authorities or Union institutions, bodies, offices or agencies or deployers acting on their behalf;</u></p> <p><u>b) deployers who are undertakings designated as a gatekeeper under Regulation (EU) 2022/1925.</u></p>		
	Article 51, fourth paragraph			
510d		<p><u>1b Deployers who do not fall under subparagraph 1a. shall be entitled to voluntarily register the use of a high-risk AI system referred to in Article 6(2) in the EU database referred to in Article 60.</u></p>		<p><u>Deployers who do not fall under subparagraph 1a shall be entitled to voluntarily register the use of a high-risk AI system referred to in Article 6(2) in the EU database referred to in Article 60.</u></p>
	Article 51, fifth paragraph			
510e		<p><u>1c An updated registration entry must be completed immediately following each substantial modification.</u></p>		<p><u>An updated registration entry must be completed immediately following each substantial modification.</u></p>

Articles 53-55 (with the exception of Articles 54a and 54b)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 53				
519	Article 53 AI regulatory sandboxes	Article 53 AI regulatory sandboxes	Article 53 AI regulatory sandboxes	Article 53 AI regulatory sandboxes Text Origin: Commission Proposal
Article 53(-1)				
519a			<u>-1. National competent authorities may establish AI regulatory sandboxes for the development, training, testing and validation of innovative AI systems under the direct supervision, guidance and support by the national competent authority, before those systems are placed on the market or put into service. Such regulatory sandboxes may include testing in real world conditions supervised by the national competent authorities.</u>	
Article 53(-1a)				
519b			<u>-1a. Where appropriate, national competent authorities shall</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>cooperate with other relevant authorities and may allow for the involvement of other actors within the AI ecosystem.</u>	
Article 53(-1b)				
519c			<u>-1b. This Article shall not affect other regulatory sandboxes established under national or Union law, including in cases where the products or services that are tested in them are linked to the use of innovative AI systems. Member States shall ensure an appropriate level of cooperation between the authorities supervising those other sandboxes and the national competent authorities.</u>	
Article 53(1)				
520	1. AI regulatory sandboxes established by one or more Member States competent authorities or the European Data Protection Supervisor shall provide a controlled environment that facilitates the development, testing and validation of innovative AI systems for a limited time before	1. AI regulatory sandboxes established by one or more Member States competent authorities or the European Data Protection Supervisor <u>Member States shall establish at least one AI regulatory sandbox at national level, which</u> shall provide a controlled environment that	deleted	1. AI regulatory sandboxes established by one or more Member States competent authorities or the European Data Protection Supervisor <u>Member States shall ensure that their [national competent authorities] establish at least one AI regulatory sandbox at national</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>their placement on the market or putting into service pursuant to a specific plan. This shall take place under the direct supervision and guidance by the competent authorities with a view to ensuring compliance with the requirements of this Regulation and, where relevant, other Union and Member States legislation supervised within the sandbox.</p>	<p><i>facilitates the development, testing and validation of innovative AI systems for a limited time before their placement on the market or putting into service pursuant to a specific plan. This shall take place under the direct supervision and guidance by the competent authorities with a view to ensuring compliance with the requirements of this Regulation and, where relevant, be operational at the latest on the day of the entry into application of this Regulation</i> <u>This sandbox can also be established jointly with one or several other Union and Member States legislation supervised within the sandbox.</u></p>	<p>PUBLIC</p>	<p><u>level, [which shall provide a controlled environment that facilitates the development, testing and validation of innovative AI systems for a limited time before their placement on the market or putting into service pursuant to a specific plan. This shall take place under the direct supervision and guidance by the competent authorities with a view to ensuring compliance with the requirements of this Regulation and, where relevant, other Union and Member States legislation supervised within the sandbox]</u> <u>be operational on the day of the entry into application of this Regulation]. This sandbox may also be established jointly with one or several other Member States' competent authorities. The Commission may provide technical support, advice and tools for the establishment and operation of AI regulatory sandboxes.</u></p> <p><u>The obligation established in previous paragraph can also be fulfilled by participation in an existing sandbox insofar as this participation provides equivalent level of national coverage for the</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>participating Member States</u> .
	Article 53(1a)			
G	520a		<u>1a. The establishment of AI regulatory sandboxes under this Regulation shall aim to contribute to one or more of the following objectives:</u>	G
	Article 53(1a), point (a)			
G	520b		<u>(a) foster innovation and competitiveness and facilitate the development of an AI ecosystem;</u>	G
	Article 53(1a), point (b)			
G	520c		<u>(b) facilitate and accelerate access to the Union market for AI systems, in particular when provided by small and medium enterprises (SMEs), including start-ups;</u>	G
	Article 53(1a), point (c)			
G	520d		<u>(c) improve legal certainty and contribute to the sharing of best practices through cooperation</u>	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>with the authorities involved in the AI regulatory sandbox with a view to ensuring future compliance with this Regulation and, where appropriate, with other Union and Member States legislation;</u>	
	Article 53(1a), point (d)			
G	520e		<u>(d) contribute to evidence-based regulatory learning.</u>	
	Article 53(1a)			
G	520f	<u>1a. Additional AI regulatory sandboxes at regional or local levels or jointly with other Member States may also be established;</u>		<u>1a. Additional AI regulatory sandboxes at regional or local levels or jointly with other Member States' competent authorities may also be established;</u> Text Origin: EP Mandate
	Article 53(1b)			
G	520g	<u>1b. The Commission and the European Data Protection Supervisor, on their own, jointly or in collaboration with one or more Member States may also</u>		<u>1b. The European Data Protection Supervisor may also establish an AI regulatory sandbox for the EU institutions, bodies and agencies and exercise</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>establish AI regulatory sandboxes at Union level;</u>		<u>the roles and the tasks of national competent authorities in accordance with this chapter.</u> Text Origin: EP Mandate
Article 53(1c)				
520h		<u>1c. Establishing authorities shall allocate sufficient resources to comply with this Article effectively and in a timely manner.</u>		<u>1c. Member States shall ensure that competent authorities referred to in paragraphs 1 and 1a allocate sufficient resources to comply with this Article effectively and in a timely manner.</u> <u>Where appropriate, national competent authorities shall cooperate with other relevant authorities and may allow for the involvement of other actors within the AI ecosystem.</u> <u>This Article shall not affect other regulatory sandboxes established under national or Union law. Member States shall ensure an appropriate level of cooperation between the authorities supervising those other sandboxes and the national competent authorities.</u> Text Origin: EP Mandate


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 53(1d)			
520i		<u>1d. AI regulatory sandboxes shall, in accordance with criteria set out in Article 53a, provide for a controlled environment that fosters innovation and facilitates the development, testing and validation of innovative AI systems for a limited time before their placement on the market or putting into service pursuant to a specific plan agreed between the prospective providers and the establishing authority.</u>		<u>1d. AI regulatory sandboxes established under Article 53(1) of this Regulation shall, in accordance with Articles 53 and 53a, provide for a controlled environment that fosters innovation and facilitates the development, training, testing and validation of innovative AI systems for a limited time before their placement on the market or putting into service pursuant to a specific sandbox plan agreed between the prospective providers and the competent authority. [Such regulatory sandboxes may include testing in real world conditions supervised in the sandbox.]</u>
	Article 53(1e)			
520j		<u>1e. Establishing authorities shall provide guidance and supervision within the sandbox with a view to identify risks, in particular to fundamental rights, democracy and rule of law, health and safety and the environment, test and</u>		<u>1e. Competent authorities shall provide, as appropriate, guidance, supervision and support within the sandbox with a view to identifying risks, in particular to fundamental rights, [democracy and rule of law], health and safety and [the</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>demonstrate mitigation measures for identified risks, and their effectiveness and ensure compliance with the requirements of this Regulation and, where relevant, other Union and Member States legislation.</u>		<u>environment], testing, mitigation measures, and their effectiveness in relation to the obligations and requirements of this Regulation and, where relevant, other Union and Member States legislation supervised within the sandbox.</u>
Article 53(1f)				
520k		<u>If. Establishing authorities shall provide sandbox prospective providers who develop high-risk AI systems with guidance and supervision on how to fulfil the requirements set out in this Regulation, so that the AI systems may exit the sandbox being in presumption of conformity with the specific requirements of this Regulation that were assessed within the sandbox. Insofar as the AI system complies with the requirements when exiting the sandbox, it shall be presumed to be in conformity with this regulation. In this regard, the exit reports created by the establishing authority shall be taken into account by market surveillance authorities or notified bodies, as applicable, in the context of conformity assessment procedures</u>		<u>If. Competent authorities shall provide providers and prospective providers with guidance on regulatory expectations and how to fulfil the requirements and obligations set out in this Regulation.</u> <u>Upon request of the provider or prospective provider of the AI system, the competent authority shall provide a written proof of the activities successfully carried out in the sandbox. The national competent authority shall also provide an exit report detailing the activities carried out in the sandbox and the related results and learning outcomes. Providers may use such documentation to demonstrate the compliance with this Regulation through the conformity assessment process or</u>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>or market surveillance checks.</u>		<u>relevant market surveillance activities. In this regard, the exit reports and the written proof provided by the national competent authority shall be taken positively into account by market surveillance authorities and notified bodies, with a view to accelerate conformity assessment procedures to a reasonable extent.</u> <u>Ifa Subject to the confidentiality provisions in Article 70 and with the agreement of the sandbox provider/prospective provider, [the European Commission] and the [AI Office/ Board] shall be authorised to access the exit reports and shall take them into account, as appropriate, when exercising their tasks under this Regulation. If both provider/ prospective provider and the national competent authority explicitly agree to this, the exit report can be made publicly available through the single information platform referred to in this article.</u>
	Article 53(1g)			
G 520I		<u>1g. The establishment of AI</u>		<u>1g. The establishment of AI</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>regulatory sandboxes shall aim to contribute to the following objectives:</u></p> <p><u>a) for the competent authorities to provide guidance to AI systems prospective providers providers to achieve regulatory compliance with this Regulation or where relevant other applicable Union and Member States legislation;</u></p> <p><u>b) for the prospective providers to allow and facilitate the testing and development of innovative solutions related to AI systems;</u></p> <p><u>c) regulatory learning in a controlled environment.</u></p>		<p><u>regulatory sandboxes shall aim to contribute to the following objectives:</u></p> <p><u>a) improve legal certainty to achieve regulatory compliance with this Regulation or, where relevant, other applicable Union and Member States legislation;</u></p> <p><u>b) support the sharing of best practices through cooperation with the authorities involved in the AI regulatory sandbox;</u></p> <p><u>c) foster innovation and competitiveness and facilitate the development of an AI ecosystem;</u></p> <p><u>d) contribute to evidence-based regulatory learning;</u></p> <p><u>e) facilitate and accelerate access to the Union market for AI systems, in particular when provided by small and medium-sized enterprises (SMEs), including start-ups.</u></p>
	Article 53(2)			
G	521	2. Member States shall ensure that to the extent the innovative AI	2. Member States <u>Establishing authorities</u> shall ensure that, to the	2. Member States <u>National competent authorities</u> shall ensure

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	systems involve the processing of personal data or otherwise fall under the supervisory remit of other national authorities or competent authorities providing or supporting access to data, the national data protection authorities and those other national authorities are associated to the operation of the AI regulatory sandbox.	extent the innovative AI systems involve the processing of personal data or otherwise fall under the supervisory remit of other national authorities or competent authorities providing or supporting access to <u>personal</u> data, the national data protection authorities, <u>or in cases referred to in paragraph 1b the EDPS</u> , and those other national authorities are associated to the operation of the AI regulatory sandbox <u>and involved in the supervision of those aspects to the full extent of their respective tasks and powers</u> .		that, to the extent the innovative AI systems involve the processing of personal data or otherwise fall under the supervisory remit of other national authorities or competent authorities providing or supporting access to data, the national data protection authorities, and those other national authorities are associated to the operation of the AI regulatory sandbox <u>and involved in the supervision of those aspects to the extent of their respective tasks and powers, as applicable</u> . Text Origin: EP Mandate
Article 53(2a), first subparagraph				
521a			<u>2a. Access to the AI regulatory sandboxes shall be open to any provider or prospective provider of an AI system who fulfils the eligibility and selection criteria referred to in paragraph 6(a) and who has been selected by the national competent authorities following the selection procedure referred to in paragraph 6(b). Providers or prospective providers may also submit applications in partnership with users or any</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>other relevant third parties.</u>	
	Article 53(2a), second subparagraph			
G	521b		<u>Participation in the AI regulatory sandbox shall be limited to a period that is appropriate to the complexity and scale of the project. This period may be extended by the national competent authority.</u>	G
	Article 53(2a), third subparagraph			
G	521c		<u>Participation in the AI regulatory sandbox shall be based on a specific plan referred to in paragraph 6 of this Article that shall be agreed between the participant(s) and the national competent authority(ies), as applicable.</u>	G
	Article 53(3)			
Y	522	3. The AI regulatory sandboxes shall not affect the supervisory and corrective powers of the competent authorities, <u>including at regional or local level</u> . Any significant risks to <u>fundamental rights, democracy</u>	3. <u>The participation in</u> the AI regulatory sandboxes shall not affect the supervisory and corrective powers of the competent authorities. Any significant risks to health and safety and fundamental	3. The AI regulatory sandboxes shall not affect the supervisory and corrective powers of the competent authorities <u>supervising the sandboxes, including at regional or local level</u> . Any significant risks

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	development and testing of such systems shall result in immediate mitigation and, failing that, in the suspension of the development and testing process until such mitigation takes place.	<u>and rule of law</u> , health and safety and fundamental rights <u>or the environment</u> identified during the development and testing of such <u>AI</u> systems shall result in immediate <u>and adequate</u> mitigation. <u>Competent authorities shall have the power to temporarily or permanently suspend the testing process, or participation</u> -and, failing that, in the suspension of the development and testing process until such mitigation takes place <u>sandbox if no effective mitigation is possible and inform the AI office of such decision.</u>	rights identified during the development and testing of such systems shall result in immediate mitigation and, failing that, in the suspension of the development and testing process until such mitigation takes place <u>authorities supervising the sandbox. Those authorities shall exercise their supervisory powers in a flexible manner within the limits of the relevant legislation, using their discretionary powers when implementing legal provisions to a specific AI sandbox project, with the objective of supporting innovation in AI in the Union.</u>	to <u>fundamental rights, [democracy and rule of law]</u> , health and safety and fundamental rights <u>or [the environment]</u> identified during the development and testing of such <u>AI</u> systems shall result in immediate <u>an adequate</u> mitigation. <u>National competent authorities shall have the power to temporarily or permanently suspend the testing process, or participation</u> -and, failing that, in the suspension of the development and testing process until such mitigation takes place <u>sandbox if no effective mitigation is possible and inform [the AI Office] of such decision. National competent authorities shall exercise their supervisory powers within the limits of the relevant legislation, using their discretionary powers when implementing legal provisions to a specific AI sandbox project, with the objective of supporting innovation in AI in the Union.</u>
	Article 53(3a), first subparagraph			
G 522a			<u>3a. Provided that the participant(s) respect the sandbox plan and the terms and conditions for their participation as referred</u>	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<i>to in paragraph 6(c) and follow in good faith the guidance given by the authorities, no administrative fines shall be imposed by the authorities for infringement of applicable Union or Member State legislation relating to the AI system supervised in the sandbox, including the provisions of this Regulation.</i>	
	Article 53(4)			
523	4. Participants in the AI regulatory sandbox shall remain liable under applicable Union and Member States liability legislation for any harm inflicted on third parties as a result from the experimentation taking place in the sandbox.	4. Participants <i>Prospective providers</i> in the AI regulatory sandbox shall remain liable under applicable Union and Member States liability legislation for any harm inflicted on third parties as a result from of the experimentation taking place in the sandbox. <i>However, provided that the prospective provider(s) respect the specific plan referred to in paragraph 1c and the terms and conditions for their participation and follow in good faith the guidance given by the establishing authorities, no administrative fines shall be imposed by the authorities for infringements of this Regulation.</i>	4. Participants in the AI regulatory sandbox shall <i>The participants</i> remain liable under applicable Union and Member States liability legislation for any harm inflicted on third parties as a result from the experimentation taking place in the <i>damage caused in the course of their participation in an AI regulatory</i> sandbox.	4. Participants <i>Providers and prospective providers</i> in the AI regulatory sandbox shall remain liable under applicable Union and Member States liability legislation for any harm <i>damage</i> inflicted on third parties as a result from of the experimentation taking place in the sandbox. <i>However, provided that the prospective provider(s) respect the specific plan and the terms and conditions for their participation and follow in good faith the guidance given by the national competent authority, no administrative fines shall be imposed by the authorities for infringements of this Regulation. To the extent that other competent authorities responsible for other</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<p><u>Union and Member States' legislation have been actively involved in the supervision of the AI system in the sandbox and have provided guidance for compliance, no administrative fines shall be imposed regarding that legislation.</u></p> <p><u>4b. The AI regulatory sandboxes shall be designed and implemented in such a way that, where relevant, they facilitate cross-border cooperation between national competent authorities.</u></p>
Article 53(4a), first subparagraph				
523a			<p><u>4a. Upon request of the provider or prospective provider of the AI system, the national competent authority shall provide, where applicable, a written proof of the activities successfully carried out in the sandbox. The national competent authority shall also provide an exit report detailing the activities carried out in the sandbox and the related results and learning outcomes. Such written proof and exit report could be taken into account by market surveillance authorities or notified</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>bodies, as applicable, in the context of conformity assessment procedures or market surveillance checks.</u>	
Article 53(4a), second subparagraph				
523b			<u>Subject to the confidentiality provisions in Article 70 and with the agreement of the sandbox participants, the European Commission and the AI Board shall be authorised to access the exit reports and shall take them into account, as appropriate, when exercising their tasks under this Regulation. If both the participant and the national competent authority explicitly agree to this, the exit report can be made publicly available through the single information platform referred to in article 55(3)(b).</u>	
Article 53(4b)				
523c			<u>4b. The AI regulatory sandboxes shall be designed and implemented in such a way that, where relevant, they facilitate cross-border cooperation between the national competent</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>authorities.</u>	
Article 53(5)				
524	<p>5. Member States' competent authorities that have established AI regulatory sandboxes shall coordinate their activities and cooperate within the framework of the European Artificial Intelligence Board. They shall submit annual reports to the Board and the Commission on the results from the implementation of those scheme, including good practices, lessons learnt and recommendations on their setup and, where relevant, on the application of this Regulation and other Union legislation supervised within the sandbox.</p>	<p>5. Member States' competent<u>Establishing</u> authorities that have established AI regulatory sandboxes shall coordinate their activities and cooperate within the framework of the European Artificial Intelligence Board. They shall submit annual reports to the Board and the Commission on the results from the implementation of those scheme, including good practices, lessons learnt and recommendations on their setup and, where relevant, on the application of this Regulation and other Union legislation supervised within the sandbox<u>AI office.</u></p>	<p>5. Member States' National competent authorities that have established<u>shall make publicly available annual reports on the implementation of the</u> AI regulatory sandboxes, <u>including good practices, lessons learnt and recommendations on</u> shall <u>coordinate their activities and cooperate within the framework of the European Artificial Intelligence Board. They shall submit</u> <u>setup and, where relevant, on the application of this Regulation and other Union legislation supervised within the sandbox. Those</u> annual reports to the Board and the Commission on the results from the implementation of those scheme, including<u>shall be submitted to the AI Board which shall make publicly available a summary of</u> <u>all</u> good practices, lessons learnt and recommendations. <u>This obligation to make annual reports publicly available shall not cover sensitive operational data in relation to the activities of law enforcement, border control,</u></p>	<p>5. Member States' National competent authorities that have established AI regulatory sandboxes shall coordinate their activities and cooperate within the framework of the European Artificial Intelligence Board. They shall submit annual reports to the Board and the Commission on the results from the implementation of those scheme, including good practices, lessons learnt and recommendations on their setup and, where relevant, on the application of this Regulation and other Union legislation supervised within the sandbox<u>[AI Office].</u></p> <p>Text Origin: EP Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>immigration or asylum authorities. The Commission and the AI Board shall, where appropriate, take the annual reports into account when exercising their tasks under this Regulation</u> on their setup and, where relevant, on the application of this Regulation and other Union legislation supervised within the sandbox.	
	Article 53(5a)			
524a			<u>5a. The Commission shall ensure that information about AI regulatory sandboxes, including about those established under this Article, is available through the single information platform referred to in Article 55(3)(b).</u>	
	Article 53(5a)			
524b		<u>5a. Establishing authorities shall inform the AI Office of the establishment of a sandbox and may ask for support and guidance. A list of planned and existing sandboxes shall be made publicly available by the AI office and kept up to date in order to encourage</u>		<u>5a. National competent authorities shall inform the [AI Office/Board] of the establishment of a sandbox and may ask for support and guidance. A list of planned and existing AI sandboxes shall be made publicly available by [the AI Office] and</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>more interaction in the regulatory sandboxes and transnational cooperation.</u>		<u>kept up to date in order to encourage more interaction in the regulatory sandboxes and cross-border cooperation.</u>
Article 53(5b)				
524c		<u>5b. Establishing authorities shall submit to the AI office and, unless the Commission is the sole establishing authority, to the Commission, annual reports, starting one year after the establishment of the sandbox and then every year until its termination and a final report. Those reports shall provide information on the progress and results of the implementation of those sandboxes, including best practices, incidents, lessons learnt and recommendations on their setup and, where relevant, on the application and possible revision of this Regulation and other Union law supervised within the sandbox. Those annual reports or abstracts thereof shall be made available to the public, online.</u>		<u>5b. National competent authorities authorities shall submit to [the AI Office] and to the Commission, annual reports, starting one year after the establishment of the AI regulatory sandbox and then every year until its termination and a final report. Those reports shall provide information on the progress and results of the implementation of those sandboxes, including best practices, incidents, lessons learnt and recommendations on their setup and, where relevant, on the application and possible revision of this Regulation, including its delegated and implementing acts, and other Union law supervised within the sandbox. Those annual reports or abstracts thereof shall be made available to the public, online. The Commission and [the AI Office] shall, where appropriate, take the annual reports into</u>


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>account when exercising their tasks under this Regulation.</u> Text Origin: EP Mandate
Article 53(6)				
525	<p>6. The modalities and the conditions of the operation of the AI regulatory sandboxes, including the eligibility criteria and the procedure for the application, selection, participation and exiting from the sandbox, and the rights and obligations of the participants shall be set out in implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2).</p>	<p>6. The modalities and the conditions of the operation of the AI regulatory <u>Commission shall develop a single and dedicated interface containing all relevant information related to</u> sandboxes, including the eligibility criteria and the procedure for the application, selection, participation and exiting from the sandbox, and the rights and obligations of the participants shall be set out in implementing acts. Those implementing acts <u>together with a single contact point at Union level to interact with the regulatory sandboxes and to allow stakeholders to raise enquiries with competent authorities, and to seek non-binding guidance on the conformity of innovative products, services, business models embedding AI technologies;</u> <u>The Commission</u> shall be adopted in accordance with the examination procedure referred to</p>	<p>6. The modalities and the conditions of the <u>for the establishment and</u> operation of the AI regulatory sandboxes, including the eligibility criteria and the procedure for the application, selection, participation and exiting from the sandbox, and the rights and obligations of the participants <u>under this Regulation</u> shall be set out in <u>adopted through</u> implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(2).</p>	<p>6. The modalities and the conditions of the operation of the AI regulatory <u>Commission shall develop a single and dedicated interface containing all relevant information related to</u> sandboxes, including the eligibility criteria and the procedure for the application, selection to allow stakeholders to interact with regulatory sandboxes and to raise enquiries with competent authorities, participation and exiting from the sandbox, and the rights and obligations of the participants shall be set out in implementing acts. Those implementing acts <u>and to seek non-binding guidance on the conformity of innovative products, services, business models embedding AI technologies, in accordance with Article 55(1)(c). The Commission</u> shall be adopted in accordance with the examination procedure referred to</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		in Article 74(2) <u>proactively coordinate with national, regional and also local authorities, where relevant.</u>		in Article 74(2) <u>proactively coordinate with national, regional and also local competent authorities, where relevant.</u> Text Origin: EP Mandate
Article 53(6a), first subparagraph				
G 525a			<u>6a. The modalities and conditions shall to the best extent possible support flexibility for national competent authorities to establish and operate their AI regulatory sandboxes, foster innovation and regulatory learning and shall particularly take into account the special circumstances and capacities of participating SMEs, including start-ups.</u>	G
Article 53(6a), second subparagraph				
G 525b			<u>Those implementing acts shall include common main principles on the following issues:</u>	G
Article 53(6a), second subparagraph, point (a)				
G 525c			<u>(a) eligibility and selection for participation in the AI regulatory</u>	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>sandbox;</u>	
	Article 53(6a), second subparagraph, point (b)			
525d			<u>(b) procedure for the application, participation, monitoring, exiting from and termination of the AI regulatory sandbox, including the sandbox plan and the exit report;</u>	
	Article 53(6a), second subparagraph, point (c)			
525e			<u>(c) the terms and conditions applicable to the participants.</u>	
	Article 53(6a)			
525f		<u>6a. For the purpose of paragraph 1 and 1a, the Commission shall play a complementary role, enabling Member States to build on their expertise and, on the other hand, assisting and providing technical understanding and resources to those Member States that seek guidance on the set-up and running of these regulatory sandboxes.</u>		<u>6a. For the purpose of paragraph 1 and 1a, the Commission shall play a complementary role, enabling Member States to build on their expertise and, on the other hand, assisting those Member States that seek guidance on the set-up and running of these regulatory sandboxes.</u> Text Origin: EP Mandate
	Article 53(6b)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
525g		<p><u>53 a Modalities and functioning of AI regulatory sandboxes</u></p> <p><u>1. In order to avoid fragmentation across the Union, the Commission, in consultation with the AI office, shall adopt a delegated act detailing the modalities for the establishment, development, implementation, functioning and supervision of the AI regulatory sandboxes, including the eligibility criteria and the procedure for the application, selection, participation and exiting from the sandbox, and the rights and obligations of the participants based on the provisions set out in this Article;</u></p> <p><u>2. The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 73, no later than 12 months following the entry into force of this Regulation and shall ensure that:</u></p> <p><u>a) regulatory sandboxes are open to any applying prospective provider of an AI system who fulfils eligibility and selection criteria. The criteria for accessing to the regulatory sandbox are</u></p>		<p><u>6b. In order to avoid fragmentation across the Union, the Commission, in consultation with [the AI Office], shall adopt a [delegated act/implementing act] detailing the modalities for the establishment, development, implementation, operation and supervision of the AI regulatory sandboxes.</u></p> <p><u>The [implemeting act/delegated act] shall include common principles on the following issues:</u></p> <p><u>a) eligibility and selection for participation in the AI regulatory sandbox;</u></p> <p><u>b) procedure for the application, participation, monitoring, exiting from and termination of the AI regulatory sandbox, including the sandbox plan and the exit report;</u></p> <p><u>c) the terms and conditions applicable to the participants.</u></p> <p><u>The [implementing/delegated acts] shall ensure that:</u></p> <p><u>a) regulatory sandboxes are open</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>transparent and fair and establishing authorities inform applicants of their decision within 3 months of the application;</u></p> <p><u>b) regulatory sandboxes allow broad and equal access and keep up with demand for participation;</u></p> <p><u>c) access to the AI regulatory sandboxes is free of charge for SMEs and start-ups without prejudice to exceptional costs that establishing authorities may recover in a fair and proportionate manner;</u></p> <p><u>d) regulatory sandboxes facilitate the involvement of other relevant actors within the AI ecosystem, such as notified bodies and standardisation organisations (SMEs, start-ups, enterprises, innovators, testing and experimentation facilities, research and experimentation labs and digital innovation hubs, centers of excellence, individual researchers), in order to allow and facilitate cooperation with the public and private sector;</u></p> <p><u>e) they allow prospective providers to to fulfil, in a controlled environment, the conformity assessment obligations of this Regulation or the voluntary</u></p>	<p><i>PUBLIC</i></p>	<p><u>to any applying prospective provider of an AI system who fulfils eligibility and selection criteria. The criteria for accessing to the regulatory sandbox are transparent and fair and establishing authorities inform applicants of their decision within 3 months of the application;</u></p> <p><u>b) regulatory sandboxes allow broad and equal access and keep up with demand for participation; prospective providers may also submit applications in partnerships with users and other relevant third parties;</u></p> <p><u>c) the modalities and conditions concerning regulatory sandboxes shall to the best extent possible support flexibility for national competent authorities to establish and operate their AI regulatory sandboxes;</u></p> <p><u>d) access to the AI regulatory sandboxes is free of charge for SMEs and start-ups without prejudice to exceptional costs that national competent authorities may recover in a fair and proportionate manner;</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>application of the codes of conduct referred to in Article 69;</u></p> <p><u>f) procedures, processes and administrative requirements for application, selection, participation and exiting the sandbox are simple, easily intelligible, clearly communicated in order to facilitate the participation of SMEs and start-ups with limited legal and administrative capacities and are streamlined across the Union, in order to avoid fragmentation and that participation in a regulatory sandbox established by a Member State, by the Commission, or by the EDPS is mutually and uniformly recognised and carries the same legal effects across the Union;</u></p> <p><u>g) participation in the AI regulatory sandbox is limited to a period that is appropriate to the complexity and scale of the project.</u></p> <p><u>h) the sandboxes shall facilitate the development of tools and infrastructure for testing, benchmarking, assessing and explaining dimensions of AI systems relevant to sandboxes, such as accuracy, robustness and</u></p>		<p><u>e) they facilitate prospective providers, by means of the learning outcomes of the sandboxes, to conduct the conformity assessment obligations of this Regulation or the voluntary application of the codes of conduct referred to in Article 69;</u></p> <p><u>f) regulatory sandboxes facilitate the involvement of other relevant actors within the AI ecosystem, such as notified bodies and standardisation organisations (SMEs, start-ups, enterprises, innovators, testing and experimentation facilities, research and experimentation labs and digital innovation hubs, centers of excellence, individual researchers), in order to allow and facilitate cooperation with the public and private sector;</u></p> <p><u>g) procedures, processes and administrative requirements for application, selection, participation and exiting the sandbox are simple, easily intelligible, clearly communicated in order to facilitate the participation of SMEs and start-</u></p>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>cybersecurity as well as minimisation of risks to fundamental rights, environment and the society at large</u></p> <p><u>3. Prospective providers in the sandboxes, in particular SMEs and start-ups, shall be facilitated access to pre-deployment services such as guidance on the implementation of this Regulation, to other value-adding services such as help with standardisation documents and certification and consultation, and to other Digital Single Market initiatives such as Testing & Experimentation Facilities, Digital Hubs, Centres of Excellence, and EU benchmarking capabilities.</u></p>		<p><u>ups with limited legal and administrative capacities and are streamlined across the Union, in order to avoid fragmentation and that participation in a regulatory sandbox established by a Member State, or by the EDPS is mutually and uniformly recognised and carries the same legal effects across the Union;</u></p> <p><u>h) participation in the AI regulatory sandbox is limited to a period that is appropriate to the complexity and scale of the project. This period may be extended by the national competent authority;</u></p> <p><u>i) the sandboxes shall facilitate the development of tools and infrastructure for testing, benchmarking, assessing and explaining dimensions of AI systems relevant for regulatory learning , such as accuracy, robustness and cybersecurity as well as measures to mitigate risks to fundamental rights,[environment] and the society at large.</u></p> <p><u>3. Prospective providers in the</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>sandboxes, in particular SMEs and start-ups, shall be directed, where relevant, to pre-deployment services such as guidance on the implementation of this Regulation, to other value-adding services such as help with standardisation documents and certification, Testing & Experimentation Facilities, Digital Hubs, Centres of Excellence, and [EU benchmarking capabilities].</u>
Article 53(6b)				
525h			<u>6b. When national competent authorities consider authorising testing in real world conditions supervised within the framework of an AI regulatory sandbox established under this Article, they shall specifically agree with the participants on the terms and conditions of such testing and in particular on the appropriate safeguards with the view to protect fundamental rights, health and safety. Where appropriate, they shall cooperate with other national competent authorities with a view to ensure consistent practices across the Union.</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 54			
526	Article 54 Further processing of personal data for developing certain AI systems in the public interest in the AI regulatory sandbox	Article 54 Further processing of personal data for developing certain AI systems in the public interest in the AI regulatory sandbox	Article 54 Further processing of personal data for developing certain AI systems in the public interest in the AI regulatory sandbox	Article 54 Further processing of personal data for developing certain AI systems in the public interest in the AI regulatory sandbox Text Origin: Council Mandate
	Article 54(1)			
527	1. In the AI regulatory sandbox personal data lawfully collected for other purposes shall be processed for the purposes of developing and testing certain innovative AI systems in the sandbox under the following conditions:	1. In the AI regulatory sandbox personal data lawfully collected for other purposes shall <u>may</u> be processed <u>solely</u> for the purposes of developing and testing certain innovative AI systems in the sandbox under when all of the following conditions <u>are met</u> :	1. In the AI regulatory sandbox personal data lawfully collected for other purposes shall <u>may</u> be processed for the purposes of developing, <u>testing and training of</u> and testing certain innovative AI systems in the sandbox under the following <u>cumulative</u> conditions:	1. In the AI regulatory sandbox personal data lawfully collected for other purposes shall <u>may</u> be processed <u>solely</u> for the purposes of developing, <u>training</u> and testing certain innovative AI systems in the sandbox under when all of the following conditions <u>are met</u> :
	Article 54(1), point (a)			
528	(a) the innovative AI systems shall be developed for safeguarding substantial public interest in one or more of the following areas:	(a) the innovative AI systems shall be developed for safeguarding substantial public interest in one or more of the following areas:	(a) the innovative AI systems shall be developed for safeguarding substantial public interest <u>by a public authority or another natural or legal person governed by public law or by private law and</u> in one or more of the	(a) the innovative AI systems shall be developed for safeguarding substantial public interest <u>by a public authority or another natural or legal person governed by public law or by private law and</u> in one or more of the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			following areas:	following areas:
Article 54(1), point (a)(i)				
529	(i) the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security, under the control and responsibility of the competent authorities. The processing shall be based on Member State or Union law;	<i>deleted</i>	<i>deleted</i>	
Article 54(1), point (a)(ii)				
530	(ii) public safety and public health, including disease prevention, control and treatment;	(ii) <u>public safety and public health, including disease detection, diagnosis prevention, control and treatment;</u> public safety and public health, including disease prevention, control and treatment;	(ii) public safety and public health, including disease prevention, control and treatment <u>of disease and improvement of health care systems</u> ;	(ii) public safety and public health, including disease <u>detection, diagnosis</u> prevention, control and treatment <u>and improvement of health care systems</u> ;
Article 54(1), point (a)(iii)				
531	(iii) a high level of protection and improvement of the quality of the environment;	(iii) a high level of protection and improvement of the quality of the environment, <u>protection of</u>	(iii) a high level of protection and improvement of the quality of the environment, <u>including green</u>	(iii) a high level of protection and improvement of the quality of the environment, <u>protection of</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>biodiversity, pollution as well as climate change mitigation and adaptation;</u>	<u>transition, climate change mitigation and adaptation;</u>	<u>biodiversity, pollution as well as green transition, climate change mitigation and adaptation;</u>
	Article 54(1), point (a)(iia)			
G	531a		<u>(iia) energy sustainability, transport and mobility;</u>	<u>(iia) energy sustainability</u>
	Article 54(1), point (a)(iib)			
G	531b	<u>(iia) safety and resilience of transport systems, critical infrastructure and networks.</u>		<u>(iib) safety and resilience of transport systems and mobility, critical infrastructure and networks;</u>
	Article 54(1), point (a)(iic)			
G	531c		<u>(iib) efficiency and quality of public administration and public services;</u>	<u>(iic) efficiency and quality of public administration and public services [in the benefit of citizens];</u>
	Article 54(1), point (a)(iic)			
G	531d		<u>(iic) cybersecurity and resilience of critical infrastructure.</u>	
	Article 54(1), point (b)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
532	(b) the data processed are necessary for complying with one or more of the requirements referred to in Title III, Chapter 2 where those requirements cannot be effectively fulfilled by processing anonymised, synthetic or other non-personal data;	(b) the data processed are necessary for complying with one or more of the requirements referred to in Title III, Chapter 2 where those requirements cannot be effectively fulfilled by processing anonymised, synthetic or other non-personal data;	(b) the data processed are necessary for complying with one or more of the requirements referred to in Title III, Chapter 2 where those requirements cannot be effectively fulfilled by processing anonymised, synthetic or other non-personal data;	(b) the data processed are necessary for complying with one or more of the requirements referred to in Title III, Chapter 2 where those requirements cannot be effectively fulfilled by processing anonymised, synthetic or other non-personal data; Text Origin: Council Mandate
Article 54(1), point (c)				
533	(c) there are effective monitoring mechanisms to identify if any high risks to the fundamental rights of the data subjects may arise during the sandbox experimentation as well as response mechanism to promptly mitigate those risks and, where necessary, stop the processing;	(c) there are effective monitoring mechanisms to identify if any high risks to the fundamental rights <u>rights and freedoms</u> of the data subjects, <u>as referred to in Article 35 of Regulation (EU) 2016/679 and in Article 35 of Regulation (EU) 2018/1725</u> may arise during the sandbox experimentation as well as response mechanism to promptly mitigate those risks and, where necessary, stop the processing;	(c) there are effective monitoring mechanisms to identify if any high risks to the fundamental rights <u>rights and freedoms</u> of the data subjects, <u>as referred to in Article 35 of Regulation (EU) 2016/679 and in Article 39 of Regulation (EU) 2018/1725</u> , may arise during the sandbox experimentation as well as response mechanism to promptly mitigate those risks and, where necessary, stop the processing;	(c) there are effective monitoring mechanisms to identify if any high risks to the fundamental rights <u>rights and freedoms</u> of the data subjects, <u>as referred to in Article 35 of Regulation (EU) 2016/679 and in Article 39 of Regulation (EU) 2018/1725</u> , may arise during the sandbox experimentation as well as response mechanism to promptly mitigate those risks and, where necessary, stop the processing; Text Origin: Council Mandate
Article 54(1), point (d)				
534				

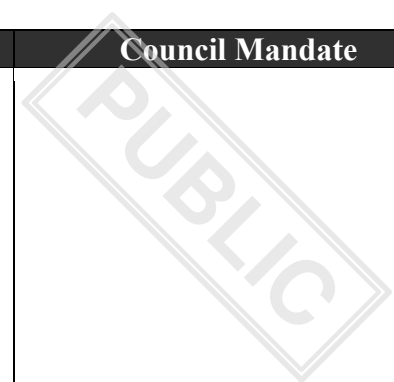
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(d) any personal data to be processed in the context of the sandbox are in a functionally separate, isolated and protected data processing environment under the control of the participants and only authorised persons have access to that data;	(d) any personal data to be processed in the context of the sandbox are in a functionally separate, isolated and protected data processing environment under the control of the participants <u>prospective provider</u> and only authorised persons have access to that <u>those</u> data;	(d) any personal data to be processed in the context of the sandbox are in a functionally separate, isolated and protected data processing environment under the control of the participants and only authorised persons have access to that data;	(d) any personal data to be processed in the context of the sandbox are in a functionally separate, isolated and protected data processing environment under the control of the participants <u>prospective provider</u> and only authorised persons have access to that <u>those</u> data; Text Origin: EP Mandate
Article 54(1), point (e)				
535	(e) any personal data processed are not be transmitted, transferred or otherwise accessed by other parties;	(e) any personal data processed are not be transmitted, transferred or otherwise accessed by other parties;	(e) any personal data processed are not <u>to</u> be transmitted, transferred or otherwise accessed by other parties <u>that are not participants in the sandbox, unless such disclosure occurs in compliance with Regulation (EU) 2016/679 or, where applicable, Regulation 2018/725, and all participants have agreed to it;</u>	(e) any personal data processed are not <u>to</u> be transmitted, transferred or otherwise accessed by other parties <u>that are not participants in the sandbox, unless such disclosure occurs in compliance with Regulation (EU) 2016/679 or, where applicable, Regulation 2018/725, and all participants have agreed to it;</u> Text Origin: Council Mandate
Article 54(1), point (f)				
536	(f) any processing of personal data in the context of the sandbox do not lead to measures or decisions	(f) any processing of personal data in the context of the sandbox do not lead to measures or decisions	(f) any processing of personal data in the context of the sandbox do not lead to measures or decisions	(f) any processing of personal data in the context of the sandbox do not lead to measures or decisions

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	affecting the data subjects;	affecting the data subjects <u>nor affect the application of their rights laid down in Union law on the protection of personal data;</u>	affecting <u>shall not affect the application of the rights of the</u> data subjects <u>as provided for under Union law on the protection of personal data, in particular in Article 22 of Regulation (EU) 2016/679 and Article 24 of Regulation (EU) 2018/1725;</u>	affecting the data subjects <u>nor affect the application of their rights laid down in Union law on the protection of personal data;</u> Text Origin: EP Mandate
	Article 54(1), point (g)			
537	(g) any personal data processed in the context of the sandbox are deleted once the participation in the sandbox has terminated or the personal data has reached the end of its retention period;	(g) any personal data processed in the context of the sandbox are <u>protected by means of appropriate technical and organisational measures and</u> deleted once the participation in the sandbox has terminated or the personal data has reached the end of its retention period;	(g) any personal data processed in the context of the sandbox are <u>protected by means of appropriate technical and organisational measures and</u> deleted once the participation in the sandbox has terminated or the personal data has reached the end of its retention period;	(g) <u>(g)</u> any personal data processed in the context of the sandbox are <u>protected by means of appropriate technical and organisational measures and</u> deleted once the participation in the sandbox has terminated or the personal data has reached the end of its retention period;
	Article 54(1), point (h)			
538	(h) the logs of the processing of personal data in the context of the sandbox are kept for the duration of the participation in the sandbox and 1 year after its termination, solely for the purpose of and only as long as necessary for fulfilling accountability and documentation obligations under this Article or	(h) the logs of the processing of personal data in the context of the sandbox are kept for the duration of the participation in the sandbox and 1 year after its termination, solely for the purpose of and only as long as necessary for fulfilling accountability and documentation obligations under this Article or	(h) the logs of the processing of personal data in the context of the sandbox are kept for the duration of the participation in the sandbox and 1 year after its termination, solely for the purpose of and only as long as necessary for fulfilling accountability and documentation obligations under this Article or	(h) the logs of the processing of personal data in the context of the sandbox are kept for the duration of the participation in the sandbox and 1 year after its termination, solely for the purpose of and only as long as necessary for fulfilling accountability and documentation obligations under this Article or

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	other application Union or Member States legislation;	other application Union or Member States legislation;	other application, <u>unless provided otherwise by</u> Union or Member States legislation <u>national law;</u>	other application, <u>unless provided otherwise by</u> Union or Member States legislation <u>national law;</u> Text Origin: Council Mandate
Article 54(1), point (i)				
539	(i) complete and detailed description of the process and rationale behind the training, testing and validation of the AI system is kept together with the testing results as part of the technical documentation in Annex IV;	(i) complete and detailed description of the process and rationale behind the training, testing and validation of the AI system is kept together with the testing results as part of the technical documentation in Annex IV;	(i) complete and detailed description of the process and rationale behind the training, testing and validation of the AI system is kept together with the testing results as part of the technical documentation in Annex IV;	(i) complete and detailed description of the process and rationale behind the training, testing and validation of the AI system is kept together with the testing results as part of the technical documentation in Annex IV; Text Origin: Council Mandate
Article 54(1), point (j)				
540	(j) a short summary of the AI project developed in the sandbox, its objectives and expected results published on the website of the competent authorities.	(j) a short summary of the AI project <u>system</u> developed in the sandbox, its objectives, <u>hypotheses</u> , and expected results, published on the website of the competent authorities-;	(j) a short summary of the AI project developed in the sandbox, its objectives and expected results published on the website of the competent authorities. <u>This obligation shall not cover sensitive operational data in relation to the activities of law enforcement, border control, immigration or asylum authorities.</u>	(j) a short summary of the AI project <u>system</u> developed in the sandbox, its objectives and expected results published on the website of the competent authorities. <u>[This obligation shall not cover sensitive operational data in relation to the activities of law enforcement, border control, immigration or asylum authorities.]</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 54(1a)				
540a			<u>1a. For the purpose of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security, under the control and responsibility of law enforcement authorities, the processing of personal data in AI regulatory sandboxes shall be based on a specific Member State or Union law and subject to the same cumulative conditions as referred to in paragraph 1.</u>	
Article 54(2)				
541	2. Paragraph 1 is without prejudice to Union or Member States legislation excluding processing for other purposes than those explicitly mentioned in that legislation.	2. Paragraph 1 is without prejudice to Union or Member States legislation excluding processing for other purposes than those explicitly mentioned in that legislation.	2. Paragraph 1 is without prejudice to Union or Member States legislation excluding <u>laws laying down the basis for the processing of personal data which is necessary for the purpose of developing, testing and training of innovative AI systems or any other legal basis, in compliance with</u>	2. Paragraph 1 is without prejudice to Union or Member States legislation excluding processing for other purposes than those explicitly mentioned in that legislation, <u>as well as to Union or Member States laws laying down the basis for the processing of personal data which is necessary</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><u>Union law on the protection of personal data</u> for other purposes than those explicitly mentioned in that legislation.</p>	<p><u>for the purpose of developing, testing and training of innovative AI systems or any other legal basis, in compliance with Union law on the protection of personal data.</u></p> <p>Text Origin: Council Mandate</p>
Article 54a new				
541a		<p><u>54a Promotion of AI research and development in support of socially and environmentally beneficial outcomes</u></p> <p><u>1. Member States shall promote research and development of AI solutions which support socially and environmentally beneficial outcomes, including but not limited to development of AI-based solutions to increase accessibility for persons with disabilities, tackle socio-economic inequalities, and meet sustainability and environmental targets, by:</u></p> <p><u>(a) providing relevant projects with priority access to the AI regulatory sandboxes to the extent that they fulfil the eligibility conditions;</u></p> <p><u>(b) earmarking public funding,</u></p>		



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>including from relevant EU funds, for AI research and development in support of socially and environmentally beneficial outcomes;</u></p> <p><u>(c) organising specific awareness raising activities about the application of this Regulation, the availability of and application procedures for dedicated funding, tailored to the needs of those projects;</u></p> <p><u>(d) where appropriate, establishing accessible dedicated channels, including within the sandboxes, for communication with projects to provide guidance and respond to queries about the implementation of this Regulation.</u></p> <p><u>Member States shall support civil society and social stakeholders to lead or participate in such projects.</u></p>		
Article 55				
542	Article 55 Measures for small-scale providers and users	Article 55 <u>Measures for small-scale providers SMEs, start-ups</u> and users	Article 55 <u>Support measures for operators, in particular SMEs, including start-ups</u> measures for small-scale providers and users	Article 55 Measures for small-scale providers and users <u>deployers, in particular SMEs, including start-ups</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 55(1)				
543	1. Member States shall undertake the following actions:	1. Member States shall undertake the following actions:	1. Member States shall undertake the following actions:	1. Member States shall undertake the following actions: Text Origin: Council Mandate
Article 55(1), point (a)				
544	(a) provide small-scale providers and start-ups with priority access to the AI regulatory sandboxes to the extent that they fulfil the eligibility conditions;	(a) provide small-scale providers <u>SMEs</u> and start-ups, <u>established in the Union</u> , with priority access to the AI regulatory sandboxes, to the extent that they fulfil the eligibility conditions;	(a) provide small-scale providers and <u>SMEs, including</u> start-ups, with priority access to the AI regulatory sandboxes to the extent that they fulfil the eligibility conditions <u>and selection criteria</u> ;	(a) provide small-scale providers and <u>SMEs, including</u> start-ups, <u>having a registered office or a branch in the Union</u> , with priority access to the AI regulatory sandboxes, to the extent that they fulfil the eligibility conditions <u>and selection criteria</u> . <u>The priority access shall not preclude other SMEs including start-ups other than those referred to in the first subparagraph to access to the AI regulatory sandbox, provided that they fulfil the eligibility conditions and selection criteria;</u>
Article 55(1), point (b)				
545	(b) organise specific awareness raising activities about the application of this Regulation tailored to the needs of the small-	(b) organise specific awareness raising <u>and enhanced digital skills development</u> activities about <u>on</u> the application of this Regulation	(b) organise specific awareness raising <u>and training</u> activities about the application of this Regulation tailored to the needs of	(b) organise specific awareness raising <u>and training</u> activities about <u>on</u> the application of this Regulation tailored to the needs of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	scale providers and users;	tailored to the needs of the small-scale providers <u>SMEs, start-ups</u> and users;	the small-scale providers and users <u>SMEs, including start-ups, and, as appropriate, local public authorities;</u>	the small-scale providers and users <u>SMEs including start-ups, users and, as appropriate, local public authorities;</u>
Article 55(1), point (c)				
546	(c) where appropriate, establish a dedicated channel for communication with small-scale providers and user and other innovators to provide guidance and respond to queries about the implementation of this Regulation.	(c) <u>utilise existing dedicated channels and</u> where appropriate, establish a new <u>dedicated channels</u> for communication with small-scale providers and user <u>SMEs, start-ups, users</u> and other innovators to provide guidance and respond to queries about the implementation of this Regulation.;	(c) where appropriate, establish a dedicated channel for communication with small-scale providers and user and other innovators <u>SMEs, including start-ups and, as appropriate, local public authorities</u> to provide guidance <u>advice</u> and respond to queries about the implementation of this Regulation, <u>including as regards participation in AI regulatory sandboxes.</u>	(c) <u>utilise existing dedicated channels and</u> where appropriate, establish a dedicated channel <u>new ones</u> for communication with small-scale providers and user and other innovators <u>SMEs including start-ups, users, other innovators and, as appropriate, local public authorities</u> to provide guidance <u>advice</u> and respond to queries about the implementation of this Regulation, <u>including as regards participation in AI regulatory sandboxes.;</u>
Article 55(1), point (ca)				
546a		<u>(ca) foster the participation of SMEs and other relevant stakeholders in the standardisation development process.</u>		<u>(ca) facilitate the participation of SMEs and other relevant stakeholders in the standardisation development process.</u>
Article 55(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
547	2. The specific interests and needs of the small-scale providers shall be taken into account when setting the fees for conformity assessment under Article 43, reducing those fees proportionately to their size and market size.	2. The specific interests and needs of the small-scale providers <u>SMEs, start-ups and users</u> shall be taken into account when setting the fees for conformity assessment under Article 43, reducing those fees proportionately to <u>development stage</u> , their size, <u>market size</u> and market size <u>demand</u> . <u>The Commission shall regularly assess the certification and compliance costs for SMEs and start-ups, including through transparent consultations with SMEs, start-ups and users and shall work with Member States to lower such costs where possible. The Commission shall report on these findings to the European Parliament and to the Council as part of the report on the evaluation and review of this Regulation provided for in Article 84(2).</u>	2. The specific interests and needs of the small-scale <u>SME</u> providers, <u>including start-ups</u> , shall be taken into account when setting the fees for conformity assessment under Article 43, reducing those fees proportionately to their size, <u>market size and other relevant indicators</u> and market size .	2. The specific interests and needs of the small-scale <u>SME</u> providers, <u>including start-ups</u> , shall be taken into account when setting the fees for conformity assessment under Article 43, reducing those fees proportionately to their size, <u>market size and other relevant indicators</u> and market size .
Article 55(2a)				
547a			<u>2a. The Commission shall undertake the following actions:</u>	<u>2a. The Commission shall undertake the following actions:</u>
Article 55(2a), point (a)				
547b				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>(a) upon request of the AI Board, provide standardised templates for the areas covered by this Regulation;</u>	<u>(a) upon request of the [AI Board], provide standardised templates for the areas covered by this Regulation;</u>
	Article 55(2a), point (b)			
G 547c			<u>(b) develop and maintain a single information platform providing easy to use information in relation to this Regulation for all operators across the Union;</u>	<u>(b) develop and maintain a single information platform providing easy to use information in relation to this Regulation for all operators across the Union;</u>
	Article 55(2a), point (c)			
G 547d			<u>(c) organise appropriate communication campaigns to raise awareness about the obligations arising from this Regulation;</u>	<u>(c) organise appropriate communication campaigns to raise awareness about the obligations arising from this Regulation;</u>
	Article 55(2a), point (d)			
G 547e			<u>(d) evaluate and promote the convergence of best practices in public procurement procedures in relation to AI systems.</u>	<u>(d) evaluate and promote the convergence of best practices in public procurement procedures in relation to AI systems.</u>

Articles 60-68e (with the exception of Articles 63a and 68b)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 60				
580	Article 60 EU database for stand-alone high-risk AI systems	Article 60 EU database for stand-alone high-risk AI systems	Article 60 <u>EU database for high-risk AI systems listed in Annex III</u> EU database for stand-alone high-risk AI systems	Article 60 <u>EU database for high-risk AI systems listed in Annex III</u> EU database for stand-alone high-risk AI systems Text Origin: Council Mandate
Article 60(1)				
581	1. The Commission shall, in collaboration with the Member States, set up and maintain a EU database containing information referred to in paragraph 2 concerning high-risk AI systems referred to in Article 6(2) which are registered in accordance with Article 51.	1. The Commission shall, in collaboration with the Member States, set up and maintain a <u>public</u> EU database containing information referred to in paragraph 2 <u>paragraphs 2 and 2a</u> concerning high-risk AI systems referred to in Article 6(2) <u>6 (2)</u> which are registered in accordance with Article 51.	1. The Commission shall, in collaboration with the Member States, set up and maintain a EU database containing information referred to in paragraph 2 concerning <u>relevant operators and high-risk AI systems</u> referred to in Article 6(2) <u>listed in Annex III</u> which are registered in accordance with Article 51 <u>Articles 51 and 54a</u> . <u>When setting the functional specifications of such database, the Commission shall consult the AI Board.</u>	1. The Commission shall, in collaboration with the Member States, set up and maintain a EU database containing information referred to in paragraph 2 <u>paragraphs 2 [and 2a]</u> concerning high-risk AI systems referred to in Article 6(2) which are registered in accordance with Article 51 <u>Articles 51 [and 54a]</u> . <u>When setting the functional specifications of such database, the Commission shall consult the relevant experts, and when updating the functional specifications of such database, the Commission shall consult the [AI Board/Office].</u>
Article 60(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Y	582	2. The data listed in Annex VIII, <u>Section A</u> , shall be entered into the EU database by the providers. The Commission shall provide them with technical and administrative support.	2. The data listed in Annex VIII, <u>Part I</u> , shall be entered into the EU database by the providers, <u>authorised representatives and relevant users, as applicable, upon their registration.</u> The Commission <u>The data listed in Annex VIII, Part II, 1 to 11, shall provide them with technical and administrative support be entered into the EU database by the providers, or where applicable by the authorised representative, in accordance with Article 51. The data referred in Annex VIII, Part II, 12 shall be automatically generated by the database based on the information provided by relevant users pursuant to Article 51(2). The data listed in Annex VIIIa shall be entered into the database by the prospective providers or providers in accordance with Article 54a.</u>	2. The data listed in Annex VIII, <u>Section A</u> , shall be entered into the EU database by the providers. The Commission shall provide them with technical and administrative support <u>or where applicable the authorised representatives.</u>
Article 60(2a)				
G	582a	<u>2a. The data listed in Annex VIII, Section B, shall be entered into the EU database by the deployers who are or who act on behalf of public authorities or Union</u>		<u>2a. The data listed in Annex VIII, Section B, shall be entered into the EU database by the deployers who are or who act on behalf of public authorities, agencies or</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>institutions, bodies, offices or agencies and by deployers who are undertakings referred to in Article 51(1a) and (1b).</u>		<u>bodies, according to articles 51(1a) and (1b).</u>
Article 60(3)				
583	3. Information contained in the EU database shall be accessible to the public.	3. Information contained in the EU database shall be accessible <u>freely available</u> to the public, <u>user-friendly and accessible, easily navigable and machine-readable containing structured digital data based on a standardised protocol.</u>	<i>deleted</i>	3. Information contained in the EU database <u>registered in accordance with Article 51</u> shall be accessible <u>and publicly available in a user friendly manner. The information should be easily navigable and machine-readable. [The information registered in accordance with Article 54a shall be accessible only to market surveillance authorities and the Commission, unless the prospective provider or provider has given consent for making this information also accessible to the public.]</u>
Article 60(4)				
584	4. The EU database shall contain personal data only insofar as necessary for collecting and processing information in accordance with this Regulation.	4. The EU database shall contain personal data only insofar as necessary for collecting and processing information in accordance with this Regulation.	4. The EU database shall contain <u>no</u> personal data only insofar as necessary for collecting and processing , <u>except for the information listed in Annex VIII,</u>	4. The EU database shall contain personal data only insofar as necessary for collecting and processing information in accordance with this Regulation.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	That information shall include the names and contact details of natural persons who are responsible for registering the system and have the legal authority to represent the provider.	That information shall include the names and contact details of natural persons who are responsible for registering the system and have the legal authority to represent the provider <u>or the deployer which is a public authority or Union institution, body, office or agency or a deployer acting on their behalf or a deployer which is an undertaking referred to in Article 51(1a)(b) and (1b).</u>	and in accordance with this Regulation. That information shall include the names and contact details of natural persons who are responsible for registering the system and have the legal authority to represent the provider <u>be without prejudice to Article 70.</u>	That information shall include the names and contact details of natural persons who are responsible for registering the system and have the legal authority to represent the provider <u>or the deployer, as applicable.</u>
Article 60(5)				
585	5. The Commission shall be the controller of the EU database. It shall also ensure to providers adequate technical and administrative support.	5. The Commission shall be the controller of the EU database. It shall also ensure to providers <u>and deployers</u> adequate technical and administrative support. <u>The database shall comply with the accessibility requirements of Annex I to Directive (EU) 2019/882.</u>	5. The Commission shall be the controller of the EU database. It shall also ensure <u>make available</u> to providers, <u>prospective providers and users</u> adequate technical and administrative support.	5. The Commission shall be the controller of the EU database. It shall also ensure to <u>make available to providers, prospective providers and deployers</u> adequate technical and administrative support. <u>The database shall comply with the applicable accessibility requirements.</u>
Article 60(5a)				
585a			<u>5a. Information contained in the EU database registered in accordance with Article 51 shall be accessible to the public. The</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>information registered in accordance with Article 54a shall be accessible only to market surveillance authorities and the Commission, unless the prospective provider or provider has given consent for making this information also accessible the public.</u>	
TITLE VIII				
586	TITLE VIII POST-MARKET MONITORING, INFORMATION SHARING, MARKET SURVEILLANCE	TITLE VIII POST-MARKET MONITORING, INFORMATION SHARING, MARKET SURVEILLANCE	TITLE VIII POST-MARKET MONITORING, INFORMATION SHARING, MARKET SURVEILLANCE	TITLE VIII POST-MARKET MONITORING, INFORMATION SHARING, MARKET SURVEILLANCE Text Origin: Commission Proposal
Chapter 1				
587	Chapter 1 Post-market monitoring	Chapter 1 Post-market monitoring	Chapter 1 Post-market monitoring	Chapter 1 Post-market monitoring Text Origin: Commission Proposal
Article 61				
588	Article 61 Post-market monitoring by	Article 61 Post-market monitoring by	Article 61 Post-market monitoring by	Article 61 Post-market monitoring by

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	providers and post-market monitoring plan for high-risk AI systems	providers and post-market monitoring plan for high-risk AI systems	providers and post-market monitoring plan for high-risk AI systems	providers and post-market monitoring plan for high-risk AI systems Text Origin: Commission Proposal
Article 61(1)				
589	1. Providers shall establish and document a post-market monitoring system in a manner that is proportionate to the nature of the artificial intelligence technologies and the risks of the high-risk AI system.	1. Providers shall establish and document a post-market monitoring system in a manner that is proportionate to the nature of the artificial intelligence technologies and the risks of the high-risk AI system.	1. Providers shall establish and document a post-market monitoring system in a manner that is proportionate to the nature of the artificial intelligence technologies and the risks of the high-risk AI system.	1. Providers shall establish and document a post-market monitoring system in a manner that is proportionate to the nature of the artificial intelligence technologies and the risks of the high-risk AI system. Text Origin: Commission Proposal
Article 61(2)				
590	2. The post-market monitoring system shall actively and systematically collect, document and analyse relevant data provided by users or collected through other sources on the performance of high-risk AI systems throughout their lifetime, and allow the provider to evaluate the continuous compliance of AI systems with the requirements set out in Title III,	2. The post-market monitoring system shall actively and systematically collect, document and analyse relevant data provided by users <u>deployers</u> or collected through other sources on the performance of high-risk AI systems throughout their lifetime, and allow the provider to evaluate the continuous compliance of AI systems with the requirements set	2. <u>In order to allow the provider to evaluate the compliance of AI systems with the requirements set out in Title III, Chapter 2 throughout their life cycle,</u> the post-market monitoring system shall actively and systematically collect, document and analyse relevant data, <u>which may be</u> provided by users or <u>which may be</u> collected through other sources on	2. The post-market monitoring system shall actively and systematically collect, document and analyse relevant data <u>which may be</u> provided by users or <u>deployers or which may be</u> collected through other sources on the performance of high-risk AI systems throughout their lifetime, and allow the provider to evaluate the continuous compliance of AI

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Chapter 2.	out in Title III, Chapter 2. <u>Where relevant, post-market monitoring shall include an analysis of the interaction with other AI systems environment, including other devices and software taking into account the rules applicable from areas such as data protection, intellectual property rights and competition law.</u>	the performance of high-risk AI systems. <u>This obligation shall not cover sensitive operational data of users throughout their lifetime, and allow the provider to evaluate the continuous compliance of AI systems with the requirements set out in Title III, Chapter 2 which are law enforcement authorities.</u>	systems with the requirements set out in Title III, Chapter 2. <u>Where relevant, post-market monitoring shall include an analysis of the interaction with other AI systems. [This obligation shall not cover sensitive operational data of users which are law enforcement authorities.]</u>
	Article 61(3)			
591	3. The post-market monitoring system shall be based on a post-market monitoring plan. The post-market monitoring plan shall be part of the technical documentation referred to in Annex IV. The Commission shall adopt an implementing act laying down detailed provisions establishing a template for the post-market monitoring plan and the list of elements to be included in the plan.	3. The post-market monitoring system shall be based on a post-market monitoring plan. The post-market monitoring plan shall be part of the technical documentation referred to in Annex IV. The Commission shall adopt an implementing act laying down detailed provisions establishing a template for the post-market monitoring plan and the list of elements to be included in the plan <u>by [twelve months after the date of entry into force of this Regulation].</u>	3. The post-market monitoring system shall be based on a post-market monitoring plan. The post-market monitoring plan shall be part of the technical documentation referred to in Annex IV. The Commission shall adopt an implementing act laying down detailed provisions establishing a template for the post-market monitoring plan and the list of elements to be included in the plan.	3. The post-market monitoring system shall be based on a post-market monitoring plan. The post-market monitoring plan shall be part of the technical documentation referred to in Annex IV. The Commission shall adopt an implementing act laying down detailed provisions establishing a template for the post-market monitoring plan and the list of elements to be included in the plan <u>by [six months before the entry into application of this Regulation].</u>
	Article 61(4), first subparagraph			
592	4. For high-risk AI systems	4. For high-risk AI systems	4. For high-risk AI systems	4. For high-risk AI systems

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	covered by the legal acts referred to in Annex II, where a post-market monitoring system and plan is already established under that legislation, the elements described in paragraphs 1, 2 and 3 shall be integrated into that system and plan as appropriate.	covered by the legal acts referred to in Annex II, where a post-market monitoring system and plan is already established under that legislation, the elements described in paragraphs 1, 2 and 3 shall be integrated into that system and plan as appropriate.	covered by the legal acts referred to in Annex II, <u>Section A</u> , where a post-market monitoring system and plan is already established under that legislation, the elements described in paragraphs 1, 2 and 3 <u>post-market monitoring documentation as prepared under that legislation</u> shall be integrated into that system and plan as appropriate <u>deemed sufficient, provided that the template referred to paragraph 3 is used.</u>	covered by the legal acts referred to in Annex II, <u>Section A</u> , where a post-market monitoring system and plan is already established under that legislation, the elements described in paragraphs 1, 2 and 3 <u>post-market monitoring documentation as prepared under that legislation</u> shall be integrated into that system and plan as appropriate <u>deemed sufficient, provided that the template referred to paragraph 3 is used.</u>
Article 61(4), second subparagraph				
593	The first subparagraph shall also apply to high-risk AI systems referred to in point 5(b) of Annex III placed on the market or put into service by credit institutions regulated by Directive 2013/36/EU.	The first subparagraph shall also apply to high-risk AI systems referred to in point 5(b) of Annex III placed on the market or put into service by credit institutions regulated by Directive 2013/36/EU.	The first subparagraph shall also apply to high-risk AI systems referred to in point 5(b) <u>5</u> of Annex III placed on the market or put into service by credit <u>financial</u> institutions regulated by Directive 2013/36/EU <u>that are subject to requirements regarding their internal governance, arrangements or processes under Union financial services legislation.</u>	The first subparagraph shall also apply to high-risk AI systems referred to in point 5(b) <u>5</u> of Annex III placed on the market or put into service by credit <u>financial</u> institutions regulated by Directive 2013/36/EU <u>that are subject to requirements regarding their internal governance, arrangements or processes under Union financial services legislation.</u>
Chapter 2				
594	Chapter 2	Chapter 2	Chapter 2	Chapter 2

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Sharing of information on incidents and malfunctioning	Sharing of information on incidents and malfunctioning	Sharing of information on incidents and malfunctioning <u>SHARING OF INFORMATION ON SERIOUS INCIDENTS</u>	Sharing of information on incidents and malfunctioning <u>SHARING OF INFORMATION ON SERIOUS INCIDENTS</u> Text Origin: Council Mandate
Article 62				
595	Article 62 Reporting of serious incidents and of malfunctioning	Article 62 <u>Reporting of serious incidents</u> and of malfunctioning	Article 62 <u>Reporting of serious incidents</u> Reporting of serious incidents and of malfunctioning	Article 62 <u>Reporting of serious incidents</u> Reporting of serious incidents and of malfunctioning Text Origin: Council Mandate
Article 62(1), first subparagraph				
596	1. Providers of high-risk AI systems placed on the Union market shall report any serious incident or any malfunctioning of those systems which constitutes a breach of obligations under Union law intended to protect fundamental rights to the market surveillance authorities of the Member States where that incident or breach occurred.	1. Providers <u>and, where deployers have identified a serious incident, deployers</u> of high-risk AI systems placed on the Union market shall report any serious incident or any malfunctioning of those systems which constitutes a breach of obligations under Union law intended to protect fundamental rights to the market surveillance authorities <u>national supervisory authority</u> of the Member States where that incident or breach occurred.	1. Providers of high-risk AI systems placed on the Union market shall report any serious incident or any malfunctioning of those systems which constitutes a breach of obligations under Union law intended to protect fundamental rights to the market surveillance authorities of the Member States where that incident or breach occurred.	1. Providers of high-risk AI systems placed on the Union market shall report any serious incident or any malfunctioning of those systems which constitutes a breach of obligations under Union law intended to protect fundamental rights to the market surveillance authorities <u>to the market surveillance authorities of the Member States where that incident occurred.</u> <u>1a. As a general rule, the period</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>for the reporting referred to in paragraph 1 shall take account</u> of the Member States where that <u>severity of the serious</u> incident or breach occurred.
Article 62(1), second subparagraph				
597	Such notification shall be made immediately after the provider has established a causal link between the AI system and the incident or malfunctioning or the reasonable likelihood of such a link, and, in any event, not later than 15 days after the providers becomes aware of the serious incident or of the malfunctioning.	<u>Such notification shall be made immediatelywithout undue delay</u> after the provider, <u>or, where applicable the deployer,</u> has established a causal link between the AI system and the incident or malfunctioning or the reasonable likelihood of such a link, and, in any event, not later than 15 days <u>72 hours</u> after the providers becomes aware of the serious incident <u>or provider or, where applicable, the deployer becomes aware</u> of the malfunctioning <u>serious incident.</u>	Such notification shall be made immediately after the provider has established a causal link between the AI system and the <u>serious</u> incident or malfunctioning or the reasonable likelihood of such a link, and, in any event, not later than 15 days after the providers becomes aware of the serious incident or of the malfunctioning.	Such <u>1b. The</u> notification <u>referred to in paragraph 1</u> shall be made immediately after the provider has established a causal link between the AI system and the <u>serious</u> incident or malfunctioning or the reasonable likelihood of such a link, and, in any event, not later than <u>[15 days]</u> after the providers <u>provider or, where applicable, the deployer,</u> becomes aware of the serious incident. <u>1c. Notwithstanding paragraph 1b, in the event of a widespread infringement for a serious incident as defined in Article 3(44) point (b)] the report referred to in paragraph 1 shall be provided immediately, and not later than 2 days after the provider or, where applicable, the deployer becomes aware of that incident.</u> <u>1d. Notwithstanding paragraph</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<p><u>1b, in the event of death of a person the report shall be provided immediately after the provider or the deployer has established or as soon as it suspects a causal relationship between the high-risk AI system and the serious incident but not later than 10 days after the date on which the provider or, where applicable, the deployer becomes aware of the serious incident.</u></p> <p><u>1e. Where necessary to ensure timely reporting, the provider or, where applicable, the deployer, may submit an initial report that is incomplete followed up by a complete report</u>or of the malfunctioning.</p>
Article 62(1a)				
597a		<p><u>Upon establishing a causal link between the AI system and the serious incident or the reasonable likelihood of such a link, providers shall take appropriate corrective actions pursuant to Article 21.</u></p>		<p><u>1a. Following the reporting of a serious incident pursuant to the first subparagraph, the provider shall, without delay, perform the necessary investigations in relation to the serious incident and the AI system concerned. This shall include a risk assessment of the incident and corrective action. The provider shall co-operate with</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<p><u>the competent authorities and where relevant with the notified body concerned during the investigations referred to in the first subparagraph and shall not perform any investigation which involves altering the AI system concerned in a way which may affect any subsequent evaluation of the causes of the incident, prior to informing the competent authorities of such action.</u></p> <p>Text Origin: EP Mandate</p>
Article 62(2)				
598	<p>2. Upon receiving a notification related to a breach of obligations under Union law intended to protect fundamental rights, the market surveillance authority shall inform the national public authorities or bodies referred to in Article 64(3). The Commission shall develop dedicated guidance to facilitate compliance with the obligations set out in paragraph 1. That guidance shall be issued 12 months after the entry into force of this Regulation, at the latest.</p>	<p>2. Upon receiving a notification related to a breach of obligations under Union law intended to protect fundamental rights, the market surveillance <u>national supervisory</u> authority shall inform the national public authorities or bodies referred to in Article 64(3). The Commission shall develop dedicated guidance to facilitate compliance with the obligations set out in paragraph 1. That guidance shall be issued 12 months after by <u>[the entry into force of this Regulation, at the latest] and shall be assessed regularly.</u></p>	<p>2. Upon receiving a notification related to a breach of obligations under Union law intended to protect fundamental rights, the <u>serious incident referred to in Article 3(44)(c), the relevant</u> market surveillance authority shall inform the national public authorities or bodies referred to in Article 64(3). The Commission shall develop dedicated guidance to facilitate compliance with the obligations set out in paragraph 1. That guidance shall be issued 12 months after the entry into force of this Regulation, at the latest.</p>	<p>2. Upon receiving a notification related to a breach of obligations under Union law intended to protect fundamental rights, the <u>serious incident referred to in Article 3(44)(c), the relevant</u> <u>[market surveillance authority]</u> shall inform the national public authorities or bodies referred to in Article 64(3). The Commission shall develop dedicated guidance to facilitate compliance with the obligations set out in paragraph 1. That guidance shall be issued 12 months after the entry into force of this Regulation, at the latest, <u>and</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>shall be assessed regularly.</u>
	Article 62(2a)			
Y	598a	<u>2a. The national supervisory authority shall take appropriate measures within 7 days from the date it received the notification referred to in paragraph 1. Where the infringement takes place or is likely to take place in other Member States, the national supervisory authority shall notify the AI Office and the relevant national supervisory authorities of these Member States.</u>		<u>2a. The market surveillance authority shall take appropriate measures within 7 days from the date it received the notification referred to in paragraph 1. Where the infringement takes place or is likely to take place in other Member States, the market surveillance authority shall notify [the AI Office] and the relevant [national supervisory authorities] of these Member States.</u>
	Article 62(3)			
G	599	3. For high-risk AI systems referred to in point 5(b) of Annex III which <u>that</u> are placed on the market or put into service by providers that are credit institutions regulated by Directive 2013/36/EU and for high-risk AI systems which are safety components of devices, or are themselves devices, covered by <u>subject to Union legislative instruments laying down reporting obligations equivalent to those set out in this</u> Regulation- (EU)	3. For high-risk AI systems referred to in point 5(b) <u>5</u> of Annex III which are placed on the market or put into service by providers that are credit <u>financial</u> institutions regulated by Directive 2013/36/EU and for high-risk AI systems which are safety components of devices, or are themselves devices, covered by <u>subject to requirements regarding their internal governance,</u>	3. For high-risk AI systems referred to in point 5(b) of Annex III which <u>that</u> are placed on the market or put into service by providers that are credit institutions regulated by Directive 2013/36/EU and for high-risk AI systems which are safety components of devices, or are themselves devices, covered by <u>subject to Union legislative instruments laying down reporting obligations equivalent to those set out in this</u> Regulation- (EU)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	those that that constitute a breach of obligations under Union law intended to protect fundamental rights.	2017/745 and Regulation (EU) 2017/746 , the notification of serious incidents or malfunctioning shall be limited to those that that constitute <u>constituting</u> a breach of obligations <u>fundamental rights</u> under Union law intended to protect fundamental rights <u>shall be transferred to the national supervisory authority</u> .	<u>arrangements or processes under Union financial services legislation</u> , the notification of serious incidents or malfunctioning shall be limited to those that that constitute a breach of obligations under Union law intended to protect fundamental rights <u>referred to in Article 3(44)(c)</u> .	2017/745 and Regulation (EU) 2017/746 , the notification of serious incidents or malfunctioning shall be limited to those that that constitute a breach of obligations under Union law intended to protect fundamental rights <u>referred to in Article 3(44) (c)</u> . Text Origin: EP Mandate
	Article 62(3a)			
G 599a			<u>3a. For high-risk AI systems which are safety components of devices, or are themselves devices, covered by Regulation (EU) 2017/745 and Regulation (EU) 2017/746 the notification of serious incidents shall be limited to those referred to in Article 3(44)(c) and be made to the national competent authority chosen for this purpose by the Member States where that incident occurred.</u>	<u>3a. For high-risk AI systems which are safety components of devices, or are themselves devices, covered by Regulation (EU) 2017/745 and Regulation (EU) 2017/746 the notification of serious incidents shall be limited to those referred to in Article 3(44)(c) and be made to the national competent authority chosen for this purpose by the Member States where that incident occurred.</u> Text Origin: Council Mandate
	Article 62(3b)			
Y 599b		<u>3a. National supervisory</u>		<u>3a. National supervisory</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>authorities shall on an annual basis notify the AI Office of the serious incidents reported to them in accordance with this Article.</u>		<u>authorities shall [on an annual basis] notify [the AI Office] of the serious incidents reported to them in accordance with this Article.</u> Text Origin: EP Mandate
Chapter 3				
G 600	Chapter 3 Enforcement	Chapter 3 Enforcement	Chapter 3 Enforcement	
Article 63				
G 601	Article 63 Market surveillance and control of AI systems in the Union market	Article 63 Market surveillance and control of AI systems in the Union market	Article 63 Market surveillance and control of AI systems in the Union market	
Article 63(1)				
Y 602	1. Regulation (EU) 2019/1020 shall apply to AI systems covered by this Regulation. However, for the purpose of the effective enforcement of this Regulation:	1. Regulation (EU) 2019/1020 shall apply to AI systems <u>and foundation models</u> covered by this Regulation. However, for the purpose of the effective enforcement of this Regulation:	1. Regulation (EU) 2019/1020 shall apply to AI systems covered by this Regulation. However, for the purpose of the effective enforcement of this Regulation:	1. Regulation (EU) 2019/1020 shall apply to AI systems <u>and (foundation models)</u> covered by this Regulation. However, for the purpose of the effective enforcement of this Regulation: Text Origin: EP Mandate
Article 63(1), point (a)				
G 603				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(a) any reference to an economic operator under Regulation (EU) 2019/1020 shall be understood as including all operators identified in Title III, Chapter 3 of this Regulation;	(a) any reference to an economic operator under Regulation (EU) 2019/1020 shall be understood as including all operators identified in Title III, Chapter 3 of this Regulation;	(a) any reference to an economic operator under Regulation (EU) 2019/1020 shall be understood as including all operators identified in Title III, Chapter 3 <u>Article 2</u> of this Regulation;	(a) any reference to an economic operator under Regulation (EU) 2019/1020 shall be understood as including all operators identified in Title III, Chapter 3 <u>Article 2(1)</u> of this Regulation; Text Origin: Council Mandate
	Article 63(1), point (b)			
G	604	(b) any reference to a product under Regulation (EU) 2019/1020 shall be understood as including all AI systems falling within the scope of this Regulation.	(b) any reference to a product under Regulation (EU) 2019/1020 shall be understood as including all AI systems falling within the scope of this Regulation.	
	Article 63(1), point (ba)			
Y	604a		<u>(ba) the national supervisory authorities shall act as market surveillance authorities under this Regulation and have the same powers and obligations as market surveillance authorities under Regulation (EU) 2019/1020.</u>	
	Article 63(2)			
Y	605	2. The national supervisory authority shall report to the	2. The national supervisory authority shall report to the	2. The national supervisory authority shall report to the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Commission on a regular basis the outcomes of relevant market surveillance activities. The national supervisory authority shall report, without delay, to the Commission and relevant national competition authorities any information identified in the course of market surveillance activities that may be of potential interest for the application of Union law on competition rules.	Commission on a regular basis <u>and the AI Office annually</u> the outcomes of relevant market surveillance activities. The national supervisory authority shall report, without delay, to the Commission and relevant national competition authorities any information identified in the course of market surveillance activities that may be of potential interest for the application of Union law on competition rules.	Commission on a regular basis the outcomes of relevant <u>As part of their reporting obligations under Article 34(4) of Regulation (EU) 2019/1020, the</u> market surveillance activities. The national supervisory authority <u>authorities</u> shall report, without delay, to the Commission and relevant national competition authorities any information identified in the course of <u>about the outcomes of relevant</u> market surveillance activities that may be of potential interest for the application of Union law on competition rules. <u>under this Regulation.</u>	Commission on a regular basis the outcomes of relevant <u>As part of their reporting obligations under Article 34(4) of Regulation (EU) 2019/1020, the</u> market surveillance activities. The national supervisory authority <u>authorities</u> shall report, without <u>(annually/without)</u> delay, to the Commission and relevant national competition authorities any information identified in the course of market surveillance activities that may be of potential interest for the application of Union law on competition rules. <u>They shall also annually report to the AI Office about the use of prohibited practices that occurred during that year and about the measures taken.</u>
	Article 63(3)			
606	3. For high-risk AI systems, related to products to which legal acts listed in Annex II, section A apply, the market surveillance authority for the purposes of this Regulation shall be the authority	3. For high-risk AI systems, related to products to which legal acts listed in Annex II, section A apply, the market surveillance authority for the purposes of this Regulation shall be the authority	3. For high-risk AI systems, related to products to which legal acts listed in Annex II, section A apply, the market surveillance authority for the purposes of this Regulation shall be the authority	3. For high-risk AI systems, related to products to which legal acts listed in Annex II, section A apply, the market surveillance authority for the purposes of this Regulation shall be the authority

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	responsible for market surveillance activities designated under those legal acts.	responsible for market surveillance activities designated under those legal acts.	responsible for market surveillance activities designated under those legal acts <u>or, in justified circumstances and provided that coordination is ensured, another relevant authority identified by the Member State.</u>	responsible for market surveillance activities designated under those legal acts <u>(or, in justified circumstances and provided that coordination is ensured, another relevant market surveillance authority identified by the Member State).</u> Text Origin: Council Mandate
Article 63(3a)				
606a			<u>3a. The procedures referred to in Articles 65, 66, 67 and 68 of this Regulation shall not apply to AI systems related to products, to which legal acts listed in Annex II, section A apply, when such legal acts already provide for procedures having the same objective. In such a case, these sectoral procedures shall apply instead.</u>	<u>3a. The procedures referred to in Articles 65, 66, 67 and 68 of this Regulation shall not apply to AI systems related to products, to which legal acts listed in Annex II, section A apply, when such legal acts already provide for procedures ensuring an equivalent level of protection and having the same objective. In such a case, these sectoral procedures shall apply instead</u> Text Origin: Council Mandate
Article 63(3b)				
606b		<u>3a. For the purpose of ensuring the effective enforcement of this</u>		<u>3a. 3a. Without prejudice to the powers of market surveillance</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>Regulation, national supervisory authorities may:</u></p> <p><u>(a) carry out unannounced on-site and remote inspections of high-risk AI systems;</u></p> <p><u>(b) acquire samples related to high-risk AI systems, including through remote inspections, to reverse-engineer the AI systems and to acquire evidence to identify non-compliance.</u></p>		<p><u>authorities under Article 14 of Regulation 2019/1020, for the purpose of ensuring the effective enforcement of this Regulation, national supervisory authorities may exercise the powers referred to in Article 14(4)(d) and (j) of Regulation 2019/1020 remotely as appropriate.</u></p> <p>Text Origin: EP Mandate</p>
Article 63(4)				
607	<p>4. For AI systems placed on the market, put into service or used by financial institutions regulated by Union legislation on financial services, the market surveillance authority for the purposes of this Regulation shall be the relevant authority responsible for the financial supervision of those institutions under that legislation.</p>	<p>4. For AI systems placed on the market, put into service or used by financial institutions regulated by Union legislation on financial services, the market surveillance authority for the purposes of this Regulation shall be the relevant authority responsible for the financial supervision of those institutions under that legislation.</p>	<p>4. For <u>high-risk</u> AI systems placed on the market, put into service or used by financial institutions regulated by Union legislation on financial services, the market surveillance authority for the purposes of this Regulation shall be the relevant <u>national</u> authority responsible for the financial supervision of those institutions under that legislation <u>in so far as the placement on the market, putting into service or the use of the AI system is in direct connection with the provision of those financial services.</u></p>	<p>4. For <u>high-risk</u> AI systems placed on the market, put into service or used by financial institutions regulated by Union legislation on financial services, the market surveillance authority for the purposes of this Regulation shall be the relevant <u>national</u> authority responsible for the financial supervision of those institutions under that legislation <u>in so far as the placement on the market, putting into service or the use of the AI system is in direct connection with the provision of those financial services.</u></p> <p>Text Origin: Council Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 63(4a), first subparagraph			
607a			<p><u>4a. By way of a derogation from the previous subparagraph, in justified circumstances and provided that coordination is ensured, another relevant authority may be identified by the Member State as market surveillance authority for the purposes of this Regulation.</u></p>	<p><u>4a. By way of a derogation from the previous subparagraph, in justified circumstances and provided that coordination is ensured, another relevant authority may be identified by the Member State as market surveillance authority for the purposes of this Regulation.</u></p> <p>Text Origin: Council Mandate</p>
	Article 63(4a), second subparagraph			
607b			<p><u>National market surveillance authorities supervising regulated credit institutions regulated under Directive 2013/36/EU, which are participating in the Single Supervisory Mechanism (SSM) established by Council Regulation No 1204/2013, should report, without delay, to the European Central Bank any information identified in the course of their market surveillance activities that may be of potential interest for the European Central Bank's prudential supervisory tasks as specified in that Regulation.</u></p>	<p><u>National market surveillance authorities supervising regulated credit institutions regulated under Directive 2013/36/EU, which are participating in the Single Supervisory Mechanism (SSM) established by Council Regulation No 1204/2013, should report, without delay, to the European Central Bank any information identified in the course of their market surveillance activities that may be of potential interest for the European Central Bank's prudential supervisory tasks as specified in that Regulation.</u></p>


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
	Article 63(5)			
608	<p>5. For AI systems listed in point 1(a) in so far as the systems are used for law enforcement purposes, points 6 and 7 of Annex III, Member States shall designate as market surveillance authorities for the purposes of this Regulation either the competent data protection supervisory authorities under Directive (EU) 2016/680, or Regulation 2016/679 or the national competent authorities supervising the activities of the law enforcement, immigration or asylum authorities putting into service or using those systems.</p>	<p>5. For AI systems <i>listed in point 1(a) in so far as the systems that</i> are used for law enforcement purposes, <i>points 6 and 7 of Annex III,</i> Member States shall designate as market surveillance authorities for the purposes of this Regulation <i>either</i> the competent data protection supervisory authorities under Directive (EU) 2016/680, <i>or Regulation 2016/679 or the national competent authorities supervising the activities of the law enforcement, immigration or asylum authorities putting into service or using those systems.</i></p>	<p>5. For <u>high-risk</u> AI systems listed in point 1(a) in so far as the systems are used for law enforcement purposes, points 6, <u>7 and 8 and 7</u> of Annex III, Member States shall designate as market surveillance authorities for the purposes of this Regulation either the <u>national authorities supervising the activities of the law enforcement, border control, immigration, asylum or judicial authorities, or the</u> competent data protection supervisory authorities under Directive (EU) 2016/680, or Regulation 2016/679. <u>Market surveillance activities shall in no way affect the independence of judicial authorities or otherwise interfere with their activities when acting in their judicial capacity or the national competent authorities supervising the activities of the law enforcement, immigration or asylum authorities putting into service or using those systems.</u></p>	<p>5. For <u>high-risk</u> AI systems listed in point 1(a) in so far as the systems are used for law enforcement purposes, points 6, <u>7 and 8 and 7</u> of Annex III, Member States shall designate as market surveillance authorities for the purposes of this Regulation either <u>the (national authorities supervising the activities of the law enforcement, border control, immigration, asylum or judicial authorities), or</u> the competent data protection supervisory authorities under Directive (EU) 2016/680, or Regulation 2016/679. <u>Market surveillance activities shall in no way affect the independence of judicial authorities or otherwise interfere with their activities when acting in their judicial capacity or the national competent authorities supervising the activities of the law enforcement, immigration or asylum authorities putting into service or using those systems.</u></p> <p>Text Origin: Council Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 63(6)			
G	609	6. Where Union institutions, agencies and bodies fall within the scope of this Regulation, the European Data Protection Supervisor shall act as their market surveillance authority.	6. Where Union institutions, agencies and bodies fall within the scope of this Regulation, the European Data Protection Supervisor shall act as their market surveillance authority.	6. Where Union institutions, agencies and bodies fall within the scope of this Regulation, the European Data Protection Supervisor shall act as their market surveillance authority. Text Origin: Commission Proposal
	Article 63(7)			
Y	610	7. Member States shall facilitate the coordination between market surveillance authorities designated under this Regulation and other relevant national authorities or bodies which supervise the application of Union harmonisation legislation listed in Annex II or other Union legislation that might be relevant for the high-risk AI systems referred to in Annex III.	7. Member States shall facilitate the coordination between market surveillance <u>National supervisory authorities designated under this Regulation and shall coordinate with</u> other relevant national authorities or bodies which supervise the application of Union harmonisation legislation <u>law</u> listed in Annex II or other Union legislation <u>law</u> that might be relevant for the high-risk AI systems referred to in Annex III.	7. Member States shall facilitate the coordination between market surveillance authorities designated under this Regulation and other relevant national authorities or bodies which supervise the application of Union harmonisation legislation listed in Annex II or other Union legislation that might be relevant for the high-risk AI systems referred to in Annex III. Text Origin: Commission Proposal
	Article 63(7a)			
Y	610a		<u>7a. Without prejudice to powers provided under Regulation (EU)</u>	<u>7a. Without prejudice to powers provided under Regulation (EU)</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>2019/1020, and where relevant and limited to what is necessary to fulfil their tasks, the market surveillance authorities shall be granted full access by the provider to the documentation as well as the training, validation and testing datasets used for the development of the high-risk AI system, including, where appropriate and subject to security safeguards, through application programming interfaces ('API') or other relevant technical means and tools enabling remote access.</u>	<u>2019/1020, and where relevant and limited to what is necessary to fulfil their tasks, the market surveillance authorities shall be granted full access by the provider to the documentation as well as the training, validation and testing datasets used for the development of the high-risk AI system, including, where appropriate and subject to security safeguards, through application programming interfaces ('API') or other relevant technical means and tools enabling remote access.</u> Text Origin: Council Mandate
	Article 63(7b)			
610b			<u>7b. Market surveillance authorities shall be granted access to the source code of the high-risk AI system upon a reasoned request and only when the following cumulative conditions are fulfilled:</u>	<u>7b. Market surveillance authorities shall be granted (access to the source code) of the high-risk AI system upon a reasoned request and only when the following cumulative conditions are fulfilled:</u> Text Origin: Council Mandate
	Article 63(7b), point (a)			
610c				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>(a) access to source code is necessary to assess the conformity of a high-risk AI system with the requirements set out in Title III, Chapter 2, and</u>	<u>(a) (access to source code) is necessary to assess the conformity of a high-risk AI system with the requirements set out in Title III, Chapter 2, and</u> Text Origin: Council Mandate
	Article 63(7b), point (b)			
Y	610d		<u>(b) testing/auditing procedures and verifications based on the data and documentation provided by the provider have been exhausted or proved insufficient.</u>	<u>(b) testing/auditing procedures and verifications based on the data and documentation provided by the provider have been exhausted or proved insufficient.</u> Text Origin: Council Mandate
	Article 63(7c)			
Y	610e		<u>7c. Any information and documentation obtained by market surveillance authorities shall be treated in compliance with the confidentiality obligations set out in Article 70.</u>	<u>7c. Any information and documentation obtained by market surveillance authorities shall be treated in compliance with the confidentiality obligations set out in Article 70.</u> Text Origin: Council Mandate
	Article 63(7d), first subparagraph			
Y	610f		<u>7d. Complaints to the relevant</u>	<u>7d.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>market surveillance authority can be submitted by any natural or legal person having grounds to consider that there has been an infringement of the provisions of this Regulation.</u>	Now in cell 649a Text Origin: Council Mandate
Article 63(7d), second subparagraph				
610g			<u>In accordance with Article 11(3)(e) and (7)(a) of Regulation (EU) 2019/1020, complaints shall be taken into account for the purpose of conducting the market surveillance activities and be handled in line with the dedicated procedures established therefore by the market surveillance authorities.</u>	as above. Text Origin: Council Mandate
Article 64				
611	Article 64 Access to data and documentation	Article 64 Access to data and documentation	Article 64 Access to data and documentation <u>Powers of authorities protecting fundamental rights</u>	Article 64 Access to data and documentation <u>Powers of authorities protecting fundamental rights</u> Text Origin: Council Mandate
Article 64(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
612	1. Access to data and documentation in the context of their activities, the market surveillance authorities shall be granted full access to the training, validation and testing datasets used by the provider, including through application programming interfaces ('API') or other appropriate technical means and tools enabling remote access.	1. Access to data and documentation In the context of their activities, <u>and upon their reasoned request the national supervisory authority</u> the market surveillance authorities shall be granted full access to the training, validation and testing datasets used by the provider, including through application programming interfaces ('API') or other <u>or, where relevant, the deployer, that are relevant and strictly necessary for the purpose of its request through</u> appropriate technical means and tools enabling remote access .	 deleted	
Article 64(2)				
613	2. Where necessary to assess the conformity of the high-risk AI system with the requirements set out in Title III, Chapter 2 and upon a reasoned request, the market surveillance authorities shall be granted access to the source code of the AI system.	2. Where necessary to assess the conformity of the high-risk AI system with the requirements set out in Title III, Chapter 2, <u>after all other reasonable ways to verify conformity including paragraph 1 have been exhausted and have proven to be insufficient</u> , and upon a reasoned request, the market surveillance authorities <u>national supervisory authority</u> shall be granted access to the source	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		code <u>training and trained models</u> of the AI system, <u>including its relevant model parameters. All information in line with Article 70 obtained shall be treated as confidential information and shall be subject to existing Union law on the protection of intellectual property and trade secrets and shall be deleted upon the completion of the investigation for which the information was requested.</u>		
Article 64(2a)				
613a		<u>2a. Paragraphs 1 and 2 are without prejudice to the procedural rights of the concerned operator in accordance with Article 18 of Regulation (EU) 2019/1020.</u>		
Article 64(3)				
614	3. National public authorities or bodies which supervise or enforce the respect of obligations under Union law protecting fundamental rights in relation to the use of high-risk AI systems referred to in Annex III shall have the power to	3. National public authorities or bodies which supervise or enforce the respect of obligations under Union law protecting fundamental rights in relation to the use of high-risk AI systems referred to in Annex III shall have the power to	3. National public authorities or bodies which supervise or enforce the respect of obligations under Union law protecting fundamental rights, <u>including the right to non-discrimination</u> , in relation to the use of high-risk AI systems	3. National public authorities or bodies which supervise or enforce the respect of obligations under Union law protecting fundamental rights, <u>including the right to non-discrimination</u> , in relation to the use of high-risk AI systems

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	request and access any documentation created or maintained under this Regulation when access to that documentation is necessary for the fulfilment of the competences under their mandate within the limits of their jurisdiction. The relevant public authority or body shall inform the market surveillance authority of the Member State concerned of any such request.	request and access any documentation created or maintained under this Regulation when access to that documentation is necessary for the fulfilment of the competences under their mandate within the limits of their jurisdiction. The relevant public authority or body shall inform the market surveillance <u>national supervisory</u> authority of the Member State concerned of any such request.	referred to in Annex III shall have the power to request and access any documentation created or maintained under this Regulation when access to that documentation is necessary for the fulfilment of the competences under their mandate within the limits of their jurisdiction. The relevant public authority or body shall inform the market surveillance authority of the Member State concerned of any such request.	referred to in Annex III shall have the power to request and access any documentation created or maintained under this Regulation <u>in accessible language and format</u> when access to that documentation is necessary for the fulfilment of the competences under <u>effectively fulfilling</u> their mandate within the limits of their jurisdiction. The relevant public authority or body shall inform the (market surveillance authority) of the Member State concerned of any such request. Text Origin: Council Mandate
Article 64(4)				
615	4. By 3 months after the entering into force of this Regulation, each Member State shall identify the public authorities or bodies referred to in paragraph 3 and make a list publicly available on the website of the national supervisory authority. Member States shall notify the list to the Commission and all other Member States and keep the list up to date.	4. By 3 <u>three</u> months after the entering into force of this Regulation, each Member State shall identify the public authorities or bodies referred to in paragraph 3 and make a list publicly available on the website of the national supervisory authority. Member States <u>National supervisory authorities</u> shall notify the list to the Commission, <u>the AI Office</u> , and all other Member States <u>national supervisory</u>	4. By 3 months after the entering into force of this Regulation, each Member State shall identify the public authorities or bodies referred to in paragraph 3 and make at the list publicly available on the website of the national supervisory authority . Member States shall notify the list to the Commission and all other Member States and keep the list up to date.	4. By 3 <u>three</u> months after the entering into force of this Regulation, each Member State shall identify the public authorities or bodies referred to in paragraph 3 and make a list publicly available on the website of the national supervisory authority. Member States <u>(National supervisory authorities)</u> shall notify the list to the Commission, <u>the (AI Office)</u> , and all other Member States <u>(national supervisory</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>authorities</u> and keep the list up to date. <u>The Commission shall publish in a dedicated website the list of all the competent authorities designated by the Member States in accordance with this Article.</u>		<u>authorities</u> and keep the list up to date. <u>The Commission shall publish in a dedicated website the list of all the competent authorities designated by the Member States in accordance with this Article.</u> Text Origin: EP Mandate
Article 64(5)				
616	5. Where the documentation referred to in paragraph 3 is insufficient to ascertain whether a breach of obligations under Union law intended to protect fundamental rights has occurred, the public authority or body referred to paragraph 3 may make a reasoned request to the market surveillance authority to organise testing of the high-risk AI system through technical means. The market surveillance authority shall organise the testing with the close involvement of the requesting public authority or body within reasonable time following the request.	5. Where the documentation referred to in paragraph 3 is insufficient to ascertain whether a breach of obligations under Union law intended to protect fundamental rights has occurred, the public authority or body referred to <u>in</u> paragraph 3 may make a reasoned request to the market surveillance <u>national supervisory</u> authority, to organise testing of the high-risk AI system through technical means. The market surveillance <u>national supervisory</u> authority shall organise the testing with the close involvement of the requesting public authority or body within reasonable time following the request.	5. Where the documentation referred to in paragraph 3 is insufficient to ascertain whether a breach of obligations under Union law intended to protect fundamental rights has occurred, the public authority or body referred to paragraph 3 may make a reasoned request to the market surveillance authority to organise testing of the high-risk AI system through technical means. The market surveillance authority shall organise the testing with the close involvement of the requesting public authority or body within reasonable time following the request.	5. Where the documentation referred to in paragraph 3 is insufficient to ascertain whether a breach of obligations under Union law intended to protect fundamental rights has occurred, the public authority or body referred to <u>in</u> paragraph 3 may make a reasoned request to the market surveillance <u>(national supervisory</u> authority), to organise testing of the high-risk AI system through technical means. The market surveillance <u>(national supervisory</u> authority) shall organise the testing with the close involvement of the requesting public authority or body within reasonable time following the request.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: EP Mandate
Article 64(6)				
617	6. Any information and documentation obtained by the national public authorities or bodies referred to in paragraph 3 pursuant to the provisions of this Article shall be treated in compliance with the confidentiality obligations set out in Article 70.	6. Any information and documentation obtained by the national public authorities or bodies referred to in paragraph 3 pursuant to the provisions of this Article shall be treated in compliance with the confidentiality obligations set out in Article 70.	6. Any information and documentation obtained by the national public authorities or bodies referred to in paragraph 3 pursuant to the provisions of this Article shall be treated in compliance with the confidentiality obligations set out in Article 70.	6. Any information and documentation obtained by the national public authorities or bodies referred to in paragraph 3 pursuant to the provisions of this Article shall be treated in compliance with the confidentiality obligations set out in Article 70. Text Origin: Commission Proposal
Article 65				
618	Article 65 Procedure for dealing with AI systems presenting a risk at national level	Article 65 Procedure for dealing with AI systems presenting a risk at national level	Article 65 Procedure for dealing with AI systems presenting a risk at national level	
Article 65(1)				
619	1. AI systems presenting a risk shall be understood as a product presenting a risk defined in Article 3, point 19 of Regulation (EU) 2019/1020 insofar as risks to the health or safety or to the protection	1. AI systems presenting a risk shall be understood as a product presenting a risk defined in Article 3, point 19 of Regulation (EU) 2019/1020 insofar as risks to the health or safety or to the protection	1. AI systems presenting a risk shall be understood as a product presenting a risk defined in Article 3, point 19 of Regulation (EU) 2019/1020 insofar as risks to the health or safety or to the protection	1. AI systems presenting a risk shall be understood as a product presenting a risk defined in Article 3, point 19 of Regulation (EU) 2019/1020 insofar as risks to the health or safety or to the protection

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of fundamental rights of persons are concerned.	of fundamental rights of persons <u>an AI system having the potential to affect adversely health and safety, fundamental rights of persons in general, including in the workplace, protection of consumers, the environment, public security, or democracy or the rule of law and other public interests, that are protected by the applicable Union harmonisation law, to a degree which goes beyond that considered reasonable and acceptable in relation to its intended purpose or under the normal or reasonably foreseeable conditions of use of the system</u> are concerned, <u>including the duration of use and, where applicable, its putting into service, installation and maintenance requirements.</u>	of fundamental rights of persons are concerned.	of fundamental rights of persons are concerned <u>or (the environment, democracy or the rule of law).</u> Text Origin: Council Mandate
Article 65(2), first subparagraph				
620	2. Where the market surveillance authority of a Member State has sufficient reasons to consider that an AI system presents a risk as referred to in paragraph 1, they shall carry out an evaluation of the AI system concerned in respect of its compliance with all the requirements and obligations laid	2. Where the market surveillance <u>national supervisory</u> authority of a Member State has sufficient reasons to consider that an AI system presents a risk as referred to in paragraph 1, they <u>it</u> shall carry out an evaluation of the AI system concerned in respect of its compliance with all the	2. Where the market surveillance authority of a Member State has sufficient reasons to consider that an AI system presents a risk as referred to in paragraph 1, they shall carry out an evaluation of the AI system concerned in respect of its compliance with all the requirements and obligations laid	2. Where the market surveillance <u>(national supervisory</u> authority) of a Member State has sufficient reasons to consider that an AI system presents a risk as referred to in paragraph 1, they <u>it</u> shall carry out an evaluation of the AI system concerned in respect of its compliance with all the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	down in this Regulation. When risks to the protection of fundamental rights are present, the market surveillance authority shall also inform the relevant national public authorities or bodies referred to in Article 64(3). The relevant operators shall cooperate as necessary with the market surveillance authorities and the other national public authorities or bodies referred to in Article 64(3).	requirements and obligations laid down in this Regulation. When risks to the protection of fundamental rights are present, the market surveillance <u>national supervisory</u> authority shall also <u>immediately</u> inform <u>and fully cooperate with</u> the relevant national public authorities or bodies referred to in Article 64(3); <u>Where there is sufficient reason to consider that that an AI system exploits the vulnerabilities of vulnerable groups or violates their rights intentionally or unintentionally, the national supervisory authority shall have the duty to investigate the design goals, data inputs, model selection, implementation and outcomes of the AI system</u> . The relevant operators shall cooperate as necessary with the market surveillance authorities <u>national supervisory authority</u> and the other national public authorities or bodies referred to in Article 64(3).	down in this Regulation. When risks to the protection of fundamental rights are present <u>identified</u> , the market surveillance authority shall also inform the relevant national public authorities or bodies referred to in Article 64(3). The relevant operators shall cooperate as necessary with the market surveillance authorities and the other national public authorities or bodies referred to in Article 64(3).	requirements and obligations laid down in this Regulation. When risks to the protection of <u>Particular attention shall be given to AI systems presenting a risk to vulnerable groups (referred to in Article 5). When risks to</u> fundamental rights are present, the market surveillance <u>identified, the national supervisory</u> authority shall also inform <u>and fully cooperate with</u> the relevant national public authorities or bodies referred to in Article 64(3). The relevant operators shall cooperate as necessary with the market surveillance authorities <u>(national supervisory authority)</u> and the other national public authorities or bodies referred to in Article 64(3). Text Origin: EP Mandate
	Article 65(2), second subparagraph			
621	Where, in the course of that evaluation, the market surveillance authority finds that the AI system	Where, in the course of that evaluation, the market surveillance <u>national supervisory</u>	Where, in the course of that evaluation, the market surveillance authority finds that the AI system	Where, in the course of that evaluation, <u>(the national supervisory</u> the market surveillance

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	does not comply with the requirements and obligations laid down in this Regulation, it shall without delay require the relevant operator to take all appropriate corrective actions to bring the AI system into compliance, 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.	authority <u>or, where relevant, the national public authority referred to in Article 64(3)</u> finds that the AI system does not comply with the requirements and obligations laid down in this Regulation, it shall without delay require the relevant operator to take all appropriate corrective actions to bring the AI system into compliance, 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. <u>and in any event no later than fifteen working days or as provided for in the relevant Union harmonisation law as applicable</u>	does not comply with the requirements and obligations laid down in this Regulation, it shall without <u>undue</u> delay require the relevant operator to take all appropriate corrective actions to bring the AI system into compliance, to withdraw the AI system from the market, or to recall it, within a <u>reasonable</u> period, commensurate with the nature of the risk, as it may prescribe.	authority) <u>and where applicable in cooperation with the national public authority referred to in Article 64(3)</u> finds that the AI system does not comply with the requirements and obligations laid down in this Regulation, it shall without <u>undue</u> delay require the relevant operator to take all appropriate corrective actions to bring the AI system into compliance, to withdraw the AI system from the market, or to recall it within a <u>reasonable</u> period, commensurate with the nature of the risk, as it may prescribe. <u>period it may prescribe and in any event no later than fifteen working days or as provided for in the relevant Union harmonisation law as applicable</u> Text Origin: EP Mandate
	Article 65(2), third subparagraph			
622	The market surveillance authority shall inform the relevant notified body accordingly. Article 18 of Regulation (EU) 2019/1020 shall apply to the measures referred to in the second subparagraph.	<u>The national supervisory</u> The market surveillance authority shall inform the relevant notified body accordingly. Article 18 of Regulation (EU) 2019/1020 shall apply to the measures referred to in the second subparagraph.	The market surveillance authority shall inform the relevant notified body accordingly. Article 18 of Regulation (EU) 2019/1020 shall apply to the measures referred to in the second subparagraph.	<u>(The national supervisory</u> The market surveillance authority) shall inform the relevant notified body accordingly. Article 18 of Regulation (EU) 2019/1020 shall apply to the measures referred to in the second subparagraph.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: EP Mandate
Article 65(3)				
623	3. Where the market surveillance authority considers that non-compliance is not restricted to its national territory, it shall inform the Commission and the other Member States of the results of the evaluation and of the actions which it has required the operator to take.	3. Where the market surveillance <u>national supervisory authority</u> considers that non-compliance is not restricted to its national territory, it shall inform the Commission, <u>the AI Office</u> and the <u>national supervisory authority of the</u> other Member States <u>without undue delay</u> of the results of the evaluation and of the actions which it has required the operator to take.	3. Where the market surveillance authority considers that non-compliance is not restricted to its national territory, it shall inform the Commission and the other Member States <u>without undue delay</u> of the results of the evaluation and of the actions which it has required the operator to take.	3. Where <u>(the national supervisory</u> the market surveillance authority) considers that non-compliance is not restricted to its national territory, it shall inform the Commission, <u>(the AI Office)</u> and the <u>national supervisory authority of the</u> other Member States <u>without undue delay</u> of the results of the evaluation and of the actions which it has required the operator to take. Text Origin: EP Mandate
Article 65(4)				
624	4. The operator shall ensure that all appropriate corrective action is taken in respect of all the AI systems concerned that it has made available on the market throughout the Union.	4. The operator shall ensure that all appropriate corrective action is taken in respect of all the AI systems concerned that it has made available on the market throughout the Union.	4. The operator shall ensure that all appropriate corrective action is taken in respect of all the AI systems concerned that it has made available on the market throughout the Union.	
Article 65(5)				
625				

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	<p>5. Where the operator of an AI system does not take adequate corrective action within the period referred to in paragraph 2, the market surveillance authority shall take all appropriate provisional measures to prohibit or restrict the AI system's being made available on its national market, to withdraw the product from that market or to recall it. That authority shall inform the Commission and the other Member States, without delay, of those measures.</p>	<p>5. Where the operator of an AI system does not take adequate corrective action within the period referred to in paragraph 2, the market surveillance<u>national supervisory</u> authority shall take all appropriate provisional measures to prohibit or restrict the AI system's being made available on its national market <u>or put into service</u>, to withdraw the product<u>AI system</u> from that market or to recall it. That authority shall <u>immediately</u> inform the Commission, <u>the AI Office</u> and the <u>national supervisory authority of the</u> other Member States, without delay, of those measures.</p>	<p>5. Where the operator of an AI system does not take adequate corrective action within the period referred to in paragraph 2, the market surveillance authority shall take all appropriate provisional measures to prohibit or restrict the AI system's being made available on its national market, to withdraw the product from that market or to recall it. That authority shall inform<u>notify</u> the Commission and the other Member States, without <u>undue</u> delay, of those measures.</p>	<p>5. <u>5.</u> Where the operator of an AI system does not take adequate corrective action within the period referred to in paragraph 2, the market surveillance<u>(national supervisory</u> authority) shall take all appropriate provisional measures to prohibit or restrict the AI system's being made available on its national market <u>or put into service</u>, to withdraw the product <u>or the standalone AI system</u> from that market or to recall it. That authority shall inform<u>without undue delay notify</u> the Commission, <u>(the AI Office)</u> and the <u>national supervisory authority of the</u> other Member States, without delay, of those measures.</p> <p>Text Origin: EP Mandate</p>
Article 65(6)				
626	<p>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</p>	<p>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 <u>and the supply chain</u>, the nature of the non-compliance alleged and the risk involved, the nature and</p>	<p>6. The information<u>notification</u> referred to in paragraph 5 shall include all available details, in particular the data<u>information</u> 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</p>	<p>6. The information<u>notification</u> referred to in paragraph 5 shall include all available details, in particular the data<u>information</u> necessary for the identification of the non-compliant AI system, the origin of the AI system <u>and the supply chain</u>, the nature of the non-compliance alleged and the</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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:	duration of the national measures taken and the arguments put forward by the relevant operator. In particular, the market surveillance authorities <u>national supervisory authority</u> shall indicate whether the non-compliance is due to one or more of the following:	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:	risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant operator. In particular, <u>(the market surveillance authorities)</u> shall indicate whether the non-compliance is due to one or more of the following: Text Origin: Council Mandate
	Article 65(6), point (-a)			
626a			<u>(-a) non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5;</u>	<u>(-a) non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5;</u> Text Origin: Council Mandate
	Article 65(6), point (a)			
627	(a) a failure of the AI system to meet requirements set out in Title III, Chapter 2;	(a) a failure of the <u>high-risk</u> AI system to meet requirements set out in Title III, Chapter 2 <u>this Regulation</u> ;	(a) a failure of the a <u>high-risk</u> AI system to meet requirements set out in Title III, Chapter 2;	(a) a failure of the a <u>high-risk</u> AI system to meet requirements set out in Title III, Chapter 2; Text Origin: Council Mandate
	Article 65(6), point (b)			
628	(b) shortcomings in the harmonised standards or common	(b) shortcomings in the harmonised standards or common	(b) shortcomings in the harmonised standards or common	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	specifications referred to in Articles 40 and 41 conferring a presumption of conformity.	specifications referred to in Articles 40 and 41 conferring a presumption of conformity.	specifications referred to in Articles 40 and 41 conferring a presumption of conformity.		
	Article 65(6), point (ba)				
G	628a		<u>(ba) non-compliance with provisions set out in Article 52;</u>	<u>(ba) non-compliance with provisions set out in Article 52;</u> Text Origin: Council Mandate	G
	Article 65(6), point (ba)				
G	628b	<u>(ba) non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5;</u>			G
	Article 65(6), point (bb)				
Y	628c		<u>(bb) non-compliance of general purpose AI systems with the requirements and obligations referred to in Article 4a.</u>	<u>(bb) [non-compliance of general purpose AI systems with the requirements and obligations referred to in Article 4a.]</u> Text Origin: Council Mandate	Y
	Article 65(6), point (bb)				
G	628d	<u>(bb) non-compliance with provisions set out in Article 52.</u>			G


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 65(7)			
G 629	<p>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.</p>	<p>7. The market surveillance<u>national supervisory</u> authorities of the Member States other than the market surveillance<u>national supervisory</u> authority of the Member State initiating the procedure shall without delay inform the Commission, <u>the AI Office</u> 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.</p>	<p>7. The market surveillance authorities of the Member States other than the market surveillance authority of the Member State initiating the procedure shall without <u>undue</u> 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.</p>	<p>7. The market surveillance<u>(national supervisory authorities)</u> of the Member States other than the market surveillance<u>national supervisory</u> authority of the Member State initiating the procedure shall without <u>undue</u> delay inform the Commission, <u>(the AI Office)</u> 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.</p> <p>Text Origin: EP Mandate</p>
	Article 65(8)			
Y 630	<p>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</p>	<p>8. Where, within three months of receipt of the information referred to in paragraph 5, no objection has been raised by either a <u>national supervisory authority of a</u> Member State or the Commission in respect</p>	<p>8. Where, within three months of receipt of the information<u>notification</u> referred to in paragraph 5, no objection has been raised by either a Member State or the Commission in respect</p>	<p>8. Where, within three months of receipt of the information<u>notification</u> referred to in paragraph 5, no objection has been raised by either a <u>(national supervisory authority) of a</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	of a provisional measure taken by a <u>national supervisory authority of another</u> 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. <u>The period referred to in the first sentence of this paragraph shall be reduced to thirty days in the event of non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5.</u>	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. <u>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.</u>	Member State or the Commission in respect of a provisional measure taken by a <u>(national supervisory authority) of another</u> 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. <u>The period referred to in the first sentence of this paragraph shall be reduced to thirty days in the event of non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5.</u> Text Origin: EP Mandate
Article 65(9)				
631	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.	9. The market surveillance <u>national supervisory</u> authorities of all Member States shall ensure that appropriate restrictive measures are taken in respect of the product <u>AI system</u> concerned, such as withdrawal of the product <u>AI system</u> from their market, without delay.	9. The market surveillance authorities of all Member States shall <u>then</u> ensure that appropriate restrictive measures are taken in respect of the product <u>AI system</u> concerned, such as withdrawal of the product from their market, without <u>undue</u> delay.	9. The market surveillance <u>(national supervisory</u> authorities) of all Member States shall ensure that appropriate restrictive measures are taken in respect of the product <u>or the AI system</u> concerned, such as withdrawal of the product <u>or the AI system</u> from their market, without <u>undue</u> delay. Text Origin: EP Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 65(9a)			
631a		<u>9a. National supervisory authorities shall annually report to the AI Office about the use of prohibited practices that occurred during that year and about the measures taken to eliminate or mitigate the risks in accordance with this Article.</u>		
Article 66				
632	Article 66 Union safeguard procedure	Article 66 Union safeguard procedure	Article 66 Union safeguard procedure	
Article 66(1)				
633	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	1. Where, within three months of receipt of the notification referred to in Article 65(5), <u>or 30 days in the case of non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5</u> , objections are raised by <u>the national supervisory authority of</u> a Member State against a measure taken by another Member State <u>national supervisory authority</u> , or where the	1. Where, within three months of receipt of the notification referred to in Article 65(5), <u>or 30 days in the case of non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5</u> , 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	1. Where, within three months of receipt of the notification referred to in Article 65(5), <u>or 30 days in the case of non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5</u> , objections are raised by <u>the (national supervisory authority) of</u> a Member State against a measure taken by another Member State <u>national supervisory authority</u> , or where the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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.</p>	<p>Commission considers the measure to be contrary to Union law, the Commission shall without delay enter into consultation with the <u>national supervisory authority of the</u> 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<u>three</u> months, <u>or 60 days in the case of non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5, starting</u> from the notification referred to in Article 65(5) and notify such decision to the <u>national supervisory authority of the</u> Member State concerned. <u>The Commission shall also inform all other national</u></p>	<p>Commission shall without <u>undue</u> delay enter into consultation with the relevant Member State's <u>market surveillance authority</u> 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, <u>or 60 days in the case of non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5, starting</u> from the notification referred to in Article 65(5). <u>It shall</u> and notify such decision to the Member State concerned. <u>The Commission shall also inform all other Member States of such decision.</u></p>	<p>Commission considers the measure to be contrary to Union law, the Commission shall without <u>undue</u> delay enter into consultation with <u>(the national supervisory authority) of</u> 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<u>three</u> months, <u>or 60 days in the case of non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5, starting</u> from the notification referred to in Article 65(5) and notify such decision to <u>(the national supervisory authority) of</u> the Member State concerned. <u>The Commission shall also inform all other (national supervisory authorities) of such decision.</u></p> <p>Text Origin: EP Mandate</p>
Article 66(2)				
634	<p>2. If the national measure is considered justified, all Member States shall take the measures</p>	<p>2. If the national measure is considered justified, all Member States<u>national supervisory</u></p>	<p>2. If the national measure<u>measure taken by the relevant Member State's market surveillance</u></p>	<p>2. If the national measure<u>measure taken by the relevant Member State's (market surveillance</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	<u>authorities designated under this Regulation</u> shall take the measures necessary to ensure that the non-compliant AI system is withdrawn from their market <u>without delay</u> , and shall inform the Commission <u>and the AI Office</u> accordingly. If the national measure is considered unjustified, <u>the national supervisory authority of</u> the Member State concerned shall withdraw the measure.	<u>authority</u> is considered justified <u>by the Commission, the market surveillance authorities of</u> , all Member States shall take <u>the ensure that appropriate restrictive</u> measures necessary to ensure that the non-compliant are <u>taken in respect of the</u> AI system is withdrawn <u>concerned, such as withdrawal of the AI system</u> from their market <u>without undue delay</u> , and shall inform the Commission accordingly. If the national measure is considered unjustified <u>by the Commission, the market surveillance authority of the</u> , the Member State concerned shall withdraw the measure <u>and inform the Commission accordingly</u> .	<u>authority</u> is considered justified <u>by the Commission, the (market surveillance authorities) of</u> , all Member States shall take <u>the ensure that appropriate restrictive</u> measures necessary to ensure that the non-compliant are <u>taken in respect of the</u> AI system is withdrawn <u>concerned, such as withdrawal of the AI system</u> from their market <u>without undue delay</u> , and shall inform the Commission <u>and (the AI Office)</u> accordingly. If the national measure is considered unjustified <u>by the Commission, the (market surveillance authority) of the</u> , the Member State concerned shall withdraw the measure <u>and inform the Commission and (the AI Office) accordingly</u> . Text Origin: Council Mandate
Article 66(2a)				
634a		<u>66 a Joint investigations</u> <u>Where a national supervisory authority has reasons to suspect that the infringement by a provider or a deployer of a high-risk AI system or foundation model to this Regulation amount to a widespread infringement with</u>		<u>66 a Joint investigations</u> <u>Where a [market surveillance authority/national supervisory authority] has reasons to suspect that the infringement by a provider or a deployer of a high-risk AI system or [foundation model/GPAI] to this Regulation</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>a Union dimension, or affects or is likely affect at least 45 million individuals, in more than one Member State, that national supervisory authority shall inform the AI Office and may request the national supervisory authorities of the Member States where such infringement took place to start a joint investigation. The AI Office shall provide central coordination to the joint investigation. Investigation powers shall remain within the competence of the national supervisory authorities.</u></p>		<p><u>amount to a widespread infringement with a Union dimension, in more than one Member State, that national supervisory authority shall inform the [AI Office] and may request the [national supervisory authorities/market surveillance authorities] of the Member States where such infringement took place to start a joint investigation. The [AI Office] shall provide central coordination to the joint investigation. Investigation and enforcement powers , as established in this regulation, shall remain within the competence of the [national supervisory authorities/market surveillance authorities].</u></p> <p>Text Origin: EP Mandate</p>
Article 66(3)				
635	<p>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</p>	<p>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</p>	<p>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</p>	

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	apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.	apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.	apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.	
Article 67				
636	Article 67 Compliant AI systems which present a risk	Article 67 Compliant AI systems which present a risk	Article 67 <u>Compliant high-risk or general purpose AI systems which present a risk</u> Compliant AI systems which present a risk	Article 67 <u>Compliant high-risk or general purpose AI systems (foundation models) which present a risk</u> Compliant AI systems which present a risk Text Origin: Council Mandate
Article 67(1)				
637	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	1. Where, having performed an evaluation under Article 65, <u>in full cooperation with the relevant national public authority referred to in Article 64(3), the national supervisory</u> the market surveillance authority of a Member State finds that although an AI system is in compliance with this Regulation, it presents a <u>serious</u> risk to the health or safety of persons, to the compliance with obligations under Union or national law intended to protect fundamental rights, <u>or the environment or the democracy</u>	1. Where, having performed an evaluation under Article 65, the market surveillance authority of a Member State finds that although an <u>a high-risk or general purpose</u> 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 <u>or to</u> fundamental rights or to other aspects of public interest protection , it shall require the relevant operator to take all	1. Where, having performed an evaluation under Article 65, <u>in full cooperation where appropriate with the relevant national public</u> the market surveillance authority <u>referred to in Article 64(3), the (national supervisory authority)</u> of a Member State finds that although an <u>a high-risk</u> AI system <u>or general purpose/foundation model</u> is in compliance with this Regulation, it presents a <u>(serious)</u> risk to the health or safety of persons, to the compliance with obligations under

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	<u>and rule of law</u> 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.	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 <u>without undue delay, within a period</u> it may prescribe.	Union or national law intended to protect fundamental rights <u>fundamental rights, for the environment or the democracy and rule of law</u> 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 <u>risk without undue delay</u> , within a reasonable period, commensurate with the nature of the risk, as it may prescribe.
Article 67(2)				
638	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.	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 <u>national supervisory authority</u> authority of the Member State referred to in paragraph 1.	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.	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 <u>(the national supervisory authority</u> the market surveillance authority) of the Member State referred to in paragraph 1.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: EP Mandate
Article 67(2a)				
638a		<u>2a. Where the provider or other relevant operators fail to take corrective action as referred to in paragraph 2 and the AI system continues to present a risk as referred to in paragraph 1, the national supervisory authority may require the relevant operator to withdraw the AI system from the market or to recall it within a reasonable period, commensurate with the nature of the risk.</u>		<u>2a. ---to recital---</u> Text Origin: EP Mandate
Article 67(3)				
639	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.	3. The Member State <u>national supervisory authority</u> shall immediately inform the Commission, <u>the AI Office</u> and the other Member States <u>national supervisory authorities</u> . 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	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.	3. The Member State <u>(national supervisory authority)</u> shall immediately inform the Commission, <u>(the AI Office)</u> and the other Member States <u>(national supervisory authorities)</u> . 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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		duration of the national measures taken.		duration of the national measures taken. <small>Text Origin: EP Mandate</small>
Article 67(4)				
640	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.	4. The Commission, <u>in consultation with the AI Office</u> shall without delay enter into consultation with the Member States <u>national supervisory authorities concerned</u> and the relevant operator and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission <u>AI Office</u> shall decide whether the measure is justified or not and, where necessary, propose appropriate measures.	4. The Commission shall without <u>undue</u> delay enter into consultation with the Member States <u>concerned</u> 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.	4. The Commission, <u>(in cooperation with the AI Office)</u> shall without <u>undue</u> delay enter into consultation with the Member States <u>(national supervisory authorities) concerned</u> 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.
Article 67(5)				
641	5. The Commission shall address its decision to the Member States.	5. The Commission, <u>in consultation with the AI Office</u> shall address <u>immediately communicate</u> its decision to the <u>national supervisory authorities of the</u> Member States <u>concerned and to the relevant operators. It shall also inform the decision to all</u>	5. The Commission shall address its decision to the Member States <u>concerned, and inform all other Member States.</u>	5. The Commission shall address <u>immediately communicate</u> its decision to the <u>(national supervisory authorities of the)</u> Member States <u>concerned and to the relevant operators. It shall also inform of the decision all other (national supervisory</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>other national supervisory authorities.</u>		<u>authorities) and the (AI Office).</u>
Article 67(5a)				
641a		<u>5a. The Commission shall adopt guidelines to help national competent authorities to identify and rectify, where necessary, similar problems arising in other AI systems.</u>		<u>5a. The Commission shall provide guidelines if needed to help national competent authorities to identify and rectify, where necessary, similar problems arising in other AI systems.</u> Text Origin: EP Mandate
Article 68				
642	Article 68 Formal non-compliance	Article 68 Formal non-compliance	Article 68 Formal non-compliance	
Article 68(1)				
643	1. Where the market surveillance authority of a Member State makes one of the following findings, it shall require the relevant provider to put an end to the non-compliance concerned:	1. Where the market surveillance <u>national supervisory</u> authority of a Member State makes one of the following findings, it shall require the relevant provider to put an end to the non-compliance concerned:	1. Where the market surveillance authority of a Member State makes one of the following findings, it shall require the relevant provider to put an end to the non-compliance concerned, <u>within a period it may prescribe</u> :	1. <u>Where the market surveillance [national supervisory]</u> authority of a Member State makes one of the following findings, it shall require the relevant provider to put an end to the non-compliance concerned, <u>within a period it may prescribe</u> : Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 68(1), point (a)			
644	(a) the conformity marking has been affixed in violation of Article 49;	(a) the conformity CE marking has been affixed in violation of Article 49;	(a) the conformity marking has been affixed in violation of Article 49;	(a) the conformity CE marking has been affixed in violation of Article 49; <small>Text Origin: EP Mandate</small>
	Article 68(1), point (b)			
645	(b) the conformity marking has not been affixed;	(b) the conformity CE marking has not been affixed;	(b) the conformity marking has not been affixed;	(b) the conformity CE marking has not been affixed; <small>Text Origin: EP Mandate</small>
	Article 68(1), point (c)			
646	(c) the EU declaration of conformity has not been drawn up;	(c) the EU declaration of conformity has not been drawn up;	(c) the EU declaration of conformity has not been drawn up;	
	Article 68(1), point (d)			
647	(d) the EU declaration of conformity has not been drawn up correctly;	(d) the EU declaration of conformity has not been drawn up correctly;	(d) the EU declaration of conformity has not been drawn up correctly;	
	Article 68(1), point (e)			
648	(e) the identification number of the	(e) the identification number of the	(e) the identification number of the	

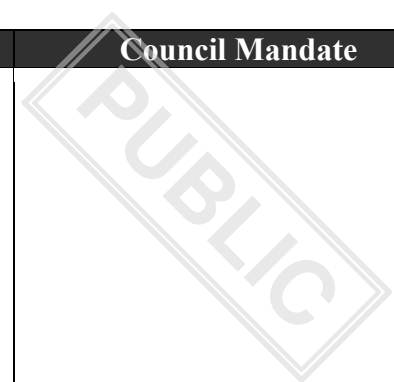
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	notified body, which is involved in the conformity assessment procedure, where applicable, has not been affixed;	notified body, which is involved in the conformity assessment procedure, where applicable, has not been affixed;	notified body, which is involved in the conformity assessment procedure, where applicable, has not been affixed;	
	Article 68(1), point (ea)			
Y	648a	<u>(ea) the registration in the EU database has not been carried out;</u>		<u>(ea) the registration in the EU database has not been carried out;</u> Text Origin: EP Mandate
	Article 68(1), point (eb)			
G	648b	<u>(eb) where applicable, the authorised representative has not been appointed.</u>		<u>(eb) where applicable, the authorised representative has not been appointed.</u> Text Origin: EP Mandate
	Article 68(1), point (ec)			
G	648c	<u>(ec) the technical documentation is not available</u>		<u>(ec) the technical documentation is not available</u> Text Origin: EP Mandate
	Article 68(2)			
Y	649	2. Where the non-compliance referred to in paragraph 1 persists,	2. Where the non-compliance referred to in paragraph 1 persists,	2. Where the non-compliance referred to in paragraph 1 persists,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	the <u>national supervisory authority of the</u> Member State concerned shall take all appropriate <u>and proportionate</u> 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 <u>without delay. The national supervisory authority of the Member State concerned shall immediately inform the AI Office of the non-compliance and the measures taken.</u>	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.	the <u>(national supervisory authority of the)</u> Member State concerned shall take all <u>appropriate and proportionate</u> 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 <u>without delay. (The national supervisory authority of the Member State concerned shall immediately inform the AI Office of the non-compliance and the measures taken).</u>
Article 68a				
649a			<u>Article 68a</u> <u>Union testing facilities in the area of artificial intelligence</u>	<u>Article 68a</u> <u>Union testing facilities in the area of artificial intelligence</u> Text Origin: Council Mandate
Article 68a(1)				
649b			<u>1. The Commission shall designate one or more Union testing facilities pursuant to Article 21 of Regulation (EU) 1020/2019 in the area of artificial intelligence.</u>	<u>1. The Commission shall designate one or more Union testing facilities pursuant to Article 21 of Regulation (EU) 1020/2019 in the area of artificial intelligence.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
	Article 68a(2)			
649c			<p><u>2. Without prejudice to the activities of Union testing facilities referred to in Article 21(6) of Regulation (EU) 1020/2019, Union testing facilities referred to in paragraph 1 shall also provide independent technical or scientific advice at the request of the Board or market surveillance authorities.</u></p>	<p><u>2. Without prejudice to the activities of Union testing facilities referred to in Article 21(6) of Regulation (EU) 1020/2019, Union testing facilities referred to in paragraph 1 shall also provide independent technical or scientific advice at the request of the Board or market surveillance authorities.</u></p> <p>Text Origin: Council Mandate</p>
	Article 68 – Chapter 3a (new)			
649d		<u>Chapter 3a(new)</u> <u>Remedies</u>		<p><u>Chapter 3a(new)</u> <u>Remedies</u></p> <p>Text Origin: EP Mandate</p>
	Article 68 – Chapter 3a (new)			
649e		<p><u>Article 68 a</u> <u>Right to lodge a complaint with a national supervisory authority</u> <u>1. Without prejudice to any other administrative or judicial remedy, every natural persons or</u></p>		<p><u>Article 68 a</u> <u>Right to lodge a complaint with a national supervisory authority</u> <u>1. Without prejudice to other administrative or judicial remedy.</u></p>

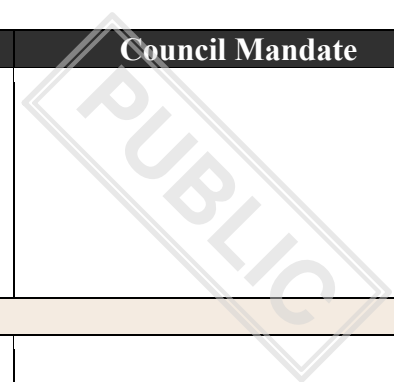
PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>groups of natural persons shall have the right to lodge a complaint with a national supervisory authority, in particular in the Member State of his or her habitual residence, place of work or place of the alleged infringement if they consider that the AI system relating to him or her infringes this Regulation.</u></p> <p><u>2. The national supervisory authority with which the complaint has been lodged shall inform the complainant on the progress and the outcome of the complaint including the possibility of a judicial remedy pursuant to Article 78.</u></p>		<p><u>complaints to the relevant market surveillance authority can be submitted by any natural or legal person having grounds to consider that there has been an infringement of the provisions of this Regulation.</u></p> <p><u>In accordance with Article 11(3)(e) and (7)(a) of Regulation (EU) 2019/1020, complaints shall be taken into account for the purpose of conducting the market surveillance activities and be handled in line with the dedicated procedures established therefore by the market surveillance authorities</u></p> <p>Text Origin: EP Mandate</p>
	Article 68 b (new)			
649f		<p><u>Article 68 b</u></p> <p><u>Right to an effective judicial remedy against a national supervisory authority</u></p> <p><u>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</u></p>		



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>of a national supervisory authority concerning them.</u></p> <p><u>2. Without prejudice to any other administrative or non-judicial remedy, each natural or legal person shall have the right to a an effective judicial remedy where the national supervisory authority which is competent pursuant to Articles 59 does not handle a complaint or does not inform the data subject within three months on the progress or outcome of the complaint lodged pursuant to Article 68a.</u></p> <p><u>3. Proceedings against a national supervisory authority shall be brought before the courts of the Member State where the national supervisory authority is established.</u></p> <p><u>4. Where proceedings are brought against a decision of a national supervisory authority which was preceded by an opinion or a decision of the Commission in the union safeguard procedure, the supervisory authority shall forward that opinion or decision to the court.</u></p>		
	Article 68 – Chapter 3a (new)			
y	649q			y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>Article 68 c</u> <u>A right to explanation of individual decision-making</u> 1. <u>Any affected person subject to a decision which is taken by the deployer on the basis of the output from an high-risk AI system which produces legal effects or similarly significantly affects him or her in a way that they consider to adversely impact their health, safety, fundamental rights, socio-economic well-being or any other of the rights deriving from the obligations laid down in this Regulation, shall have the right to request from the deployer clear and meaningful explanation pursuant to Article 13(1) on the role of the AI system in the decision-making procedure, the main parameters of the decision taken and the related input data.</u> 2. <u>Paragraph 1 shall not apply to the use of AI systems for which exceptions from, or restrictions to, the obligation under paragraph 1 follow from Union or national law are provided in so far as such exception or restrictions respect the essence of the fundamental rights and freedoms and is a necessary and proportionate</u></p>	<p><i>PUBLIC</i></p>	<p><u>Article 68 c</u> <u>A right to explanation of individual decision-making</u> 1. <u>Any affected person subject to a decision which is taken by the deployer on the main basis of the output from an high-risk AI system which produces legal effects or similarly significantly affects him or her in a way that they consider to adversely impact their health, safety and fundamental rights shall have the right to request from the deployer clear and meaningful explanation pursuant to Article 13(1) on the role of the AI system in the decision-making procedure, the main elements of the decision taken and the related input data.</u> 2. <u>Paragraph 1 shall not apply to the use of AI systems for which exceptions from, or restrictions to, the obligation under paragraph 1 follow from Union or national law.</u> 3. <u>This Article shall apply without prejudice to Articles 13, 14, 15, and 22 of the Regulation 2016/679.</u></p> <p>Text Origin: EP Mandate</p>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>measure in a democratic society.</i></u> <u><i>3. This Article shall apply</i></u> <u><i>without prejudice to Articles 13,</i></u> <u><i>14, 15, and 22 of the Regulation</i></u> <u><i>2016/679.</i></u>		
Article 68 – Chapter 3a (new)				
649r		<u><i>Article 68 d</i></u> <u><i>Amendment to Directive (EU)</i></u> <u><i>2020/1828</i></u> <u><i>In Annex I to Directive (EU)</i></u> <u><i>2020/1828 of the European</i></u> <u><i>Parliament and of the Council ^{1a},</i></u> <u><i>the following point is added:</i></u> <u><i>"(67a) Regulation xxxx/xxxx of</i></u> <u><i>the European Parliament and of</i></u> <u><i>the Council [laying down</i></u> <u><i>harmonised rules on artificial</i></u> <u><i>intelligence (Artificial Intelligence</i></u> <u><i>Act) and amending certain Union</i></u> <u><i>legislative acts (OJ L ...)]".</i></u> <u><i>^{1a} Directive (EU) 2020/1828 of</i></u> <u><i>the European Parliament and of</i></u> <u><i>the Council of 25 November 2020</i></u> <u><i>on representative actions for the</i></u> <u><i>protection of the collective</i></u> <u><i>interests of consumers and</i></u> <u><i>repealing Directive 2009/22/EC</i></u> <u><i>(OJ L 409, 4.12.2020, p. 1).</i></u>	<u><i>Article 68 d</i></u> <u><i>Amendment to Directive (EU)</i></u> <u><i>2020/1828</i></u> <u><i>In Annex I to Directive (EU)</i></u> <u><i>2020/1828 of the European</i></u> <u><i>Parliament and of the Council ^{1a},</i></u> <u><i>the following point is added:</i></u> <u><i>"(67a) Regulation xxxx/xxxx of</i></u> <u><i>the European Parliament and of</i></u> <u><i>the Council [laying down</i></u> <u><i>harmonised rules on artificial</i></u> <u><i>intelligence (Artificial Intelligence</i></u> <u><i>Act) and amending certain Union</i></u> <u><i>legislative acts (OJ L ...)]".</i></u> <u><i>^{1a} Directive (EU) 2020/1828 of</i></u> <u><i>the European Parliament and of</i></u> <u><i>the Council of 25 November 2020</i></u> <u><i>on representative actions for the</i></u> <u><i>protection of the collective</i></u> <u><i>interests of consumers and</i></u> <u><i>repealing Directive 2009/22/EC</i></u> <u><i>(OJ L 409, 4.12.2020, p. 1).</i></u>	

Text Origin: EP Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 68 – Chapter 3a (new)			
649s		<p><u>Article 68 e</u> <u>Reporting of breaches and protection of reporting persons</u> <u>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.</u></p>		<p><u>Article 68 e</u> <u>Reporting of breaches and protection of reporting persons</u> <u>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.</u></p> <p>Text Origin: EP Mandate</p>

Articles 70-85

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 70				
657	Article 70 Confidentiality	Article 70 Confidentiality	Article 70 Confidentiality	Article 70 Confidentiality Text Origin: Commission Proposal
Article 70(1)				
658	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:	1. <u>The Commission</u> , national competent authorities and notified bodies, <u>the AI Office and any other natural or legal person</u> 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:	1. National competent authorities and notified bodies, <u>the Commission, the Board, and any other natural or legal person</u> involved in the application of this Regulation shall, <u>in accordance with Union or national law, put appropriate technical and organisational measures in place to ensure</u> respect the confidentiality of information and data obtained in carrying out their tasks and activities in such a manner as to protect, in particular:	1. <u>The Commission</u> , national competent authorities and notified bodies, <u>[the AI Office] and any other natural or legal person</u> involved in the application of this Regulation shall, <u>in accordance with Union or national law</u> , respect the confidentiality of information and data obtained in carrying out their tasks and activities in such a manner as to protect, in particular:
Article 70(1), point (a)				
659	(a) intellectual property rights, and confidential business information	(a) intellectual property rights, and confidential business information	(a) intellectual property rights, and confidential business information	(a) intellectual property rights, and confidential business information

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 trade secrets of a natural or legal person, <u>in accordance with the provisions of Directives 2004/48/EC and 2016/943/EC</u> , 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 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 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. Text Origin: EP Mandate
	Article 70(1), point (b)			
660	(b) the effective implementation of this Regulation, in particular for the purpose of inspections, investigations or audits;(c) public and national security interests;	(b) the effective implementation of this Regulation, in particular for the purpose of inspections, investigations or audits;(c) public and national security interests;	(b) the effective implementation of this Regulation, in particular for the purpose of inspections, investigations or audits; (c) public and national security interests;	(b) the effective implementation of this Regulation, in particular for the purpose of inspections, investigations or audits; (c) public and national security interests;
	Article 70(1), point (ba)			
660a		<u>(ba) public and national security interests</u>		<u>(ba) public and national security interests</u>
	Article 70(1), point (c)			
661	(c) integrity of criminal or administrative proceedings.	(c) integrity of criminal or administrative proceedings.	(c) integrity of criminal or administrative proceedings <u>public and national security interests;</u>	(c) integrity of criminal or administrative proceedings.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 70(1), point (d)			
662	(d) THIS POINT IS MISSING. THANK YOU FOR USING ANOTHER LANGUAGE.	(d) THIS POINT IS MISSING. THANK YOU FOR USING ANOTHER LANGUAGE.	(d) THIS POINT IS MISSING. THANK YOU FOR USING ANOTHER LANGUAGE. <u>integrity of criminal or administrative proceedings;</u>	
	Article 70(1), point (da)			
662a			<u>(da) the integrity of information classified in accordance with Union or national law.</u>	<u>(da) the integrity of information classified in accordance with Union or national law.</u>
	Article 70(1), point (db)			
662b		<u>1a. The authorities involved in the application of this Regulation pursuant to paragraph 1 shall minimise the quantity of data requested for disclosure to the data that is strictly necessary for the perceived risk and the assessment of that risk. They shall delete the data as soon as it is no longer needed for the purpose it was requested for. They shall put in place adequate and effective cybersecurity, technical and organisational measures to protect</u>		<u>(db) 1a. The authorities involved in the application of this Regulation pursuant to paragraph 1 shall only request data that is strictly necessary for the assessment of the risk posed by the AI system and for the exercise of their powers in compliance with this Regulation and Regulation 2019/1020. They shall put in place adequate and effective cybersecurity measures to protect the security and confidentiality of the information and data obtained</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>the security and confidentiality of the information and data obtained in carrying out their tasks and activities;</u>		<u>and shall delete the data collected as soon as it is no longer needed for the purpose it was requested for, in accordance with applicable national or European legislation .</u>
Article 70(2), first subparagraph				
663	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.	2. Without prejudice to paragraph <u>paragraphs 1 and 1a</u> , 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 <u>deployer</u> 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/or national security interests .	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, <u>border control</u> , immigration or asylum authorities, when such disclosure would jeopardise public and national security interests. <u>This obligation to exchange information shall not cover sensitive operational data in relation to the activities of law enforcement, border control, immigration or asylum authorities.</u>	2. Without prejudice to paragraph 1 <u>[and 1a]</u> , 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 <u>deployer</u> when high-risk AI systems referred to in points 1, 6 and 7 of Annex III are used by law enforcement, <u>border control</u> , immigration or asylum authorities, when such disclosure would jeopardise public and national security interests. <u>[This obligation to exchange information shall not cover sensitive operational data in relation to the activities of law enforcement, border control, immigration or asylum authorities.]</u> Text Origin: Auxiliary 1

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 70(2), second subparagraph			
664	<p>When the law enforcement, immigration or asylum authorities are providers of high-risk AI systems referred to in points 1, 6 and 7 of Annex III, the technical documentation referred to in Annex IV shall remain within the premises of those authorities. Those authorities shall ensure that the market surveillance authorities referred to in Article 63(5) and (6), as applicable, can, upon request, immediately access the documentation or obtain a copy thereof. Only staff of the market surveillance authority holding the appropriate level of security clearance shall be allowed to access that documentation or any copy thereof.</p>	<p>When the law enforcement, immigration or asylum authorities are providers of high-risk AI systems referred to in points 1, 6 and 7 of Annex III, the technical documentation referred to in Annex IV shall remain within the premises of those authorities. Those authorities shall ensure that the market surveillance authorities referred to in Article 63(5) and (6), as applicable, can, upon request, immediately access the documentation or obtain a copy thereof. Only staff of the market surveillance authority holding the appropriate level of security clearance shall be allowed to access that documentation or any copy thereof.</p>	<p>When the law enforcement, immigration or asylum authorities are providers of high-risk AI systems referred to in points 1, 6 and 7 of Annex III, the technical documentation referred to in Annex IV shall remain within the premises of those authorities. Those authorities shall ensure that the market surveillance authorities referred to in Article 63(5) and (6), as applicable, can, upon request, immediately access the documentation or obtain a copy thereof. Only staff of the market surveillance authority holding the appropriate level of security clearance shall be allowed to access that documentation or any copy thereof.</p>	<p>When the law enforcement, immigration or asylum authorities are providers of high-risk AI systems referred to in points 1, 6 and 7 of Annex III, the technical documentation referred to in Annex IV shall remain within the premises of those authorities. Those authorities shall ensure that the market surveillance authorities referred to in Article 63(5) and (6), as applicable, can, upon request, immediately access the documentation or obtain a copy thereof. Only staff of the market surveillance authority holding the appropriate level of security clearance shall be allowed to access that documentation or any copy thereof.</p> <p>Text Origin: Commission Proposal</p>
	Article 70(3)			
665	<p>3. Paragraphs 1 and 2 shall not affect the rights and obligations of the Commission, Member States</p>	<p>3. Paragraphs 1, <u>1a</u> and 2 shall not affect the rights and obligations of the Commission, Member States</p>	<p>3. Paragraphs 1 and 2 shall not affect the rights and obligations of the Commission, Member States</p>	<p>3. Paragraphs 1, <u>1la</u> and 2 shall not affect the rights and obligations of the Commission, Member States</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and notified bodies with regard to the exchange of information and the dissemination of warnings, nor the obligations of the parties concerned to provide information under criminal law of the Member States.	and notified bodies with regard to the exchange of information and the dissemination of warnings, nor the obligations of the parties concerned to provide information under criminal law of the Member States.;	and <u>their relevant authorities, as well as</u> notified bodies, with regard to the exchange of information and the dissemination of warnings, <u>including in the context of cross-border cooperation</u> , nor the obligations of the parties concerned to provide information under criminal law of the Member States.	and <u>their relevant authorities, as well as</u> notified bodies, with regard to the exchange of information and the dissemination of warnings, <u>including in the context of cross-border cooperation</u> , nor the obligations of the parties concerned to provide information under criminal law of the Member States.
	Article 70(4)			
666	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.	4. The Commission and Member States may exchange, where <u>strictly</u> necessary <u>and in accordance with relevant provisions of international and trade agreements</u> , confidential information with regulatory authorities of third countries with which they have concluded bilateral or multilateral confidentiality arrangements guaranteeing an adequate level of confidentiality.	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.	4. The Commission and Member States may exchange, where necessary <u>and in accordance with relevant provisions of international and trade agreements</u> , confidential information with regulatory authorities of third countries with which they have concluded bilateral or multilateral confidentiality arrangements guaranteeing an adequate level of confidentiality.
	Article 71			
667	Article 71 Penalties	Article 71 Penalties	Article 71 Penalties	Article 71 Penalties

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 71(1)				
668	<p>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.</p>	<p>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 <u>by any operator,</u> and shall take all measures necessary to ensure that they are properly and effectively implemented <u>and aligned with the guidelines issued by the Commission and the AI Office pursuant to Article 82b.</u> 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 <u>SMEs and start-ups</u> and their economic viability.</p>	<p>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 size and interests of small-scale <u>SME</u> providers, <u>including start-ups,</u> and start-up and their economic viability. <u>They shall also take into account whether the use of the AI system is in the context of personal non-professional activity.</u></p>	<p>1. In compliance with the terms and conditions laid down in this Regulation, Member States shall lay down the rules on penalties <u>and other enforcement measures, which may also include warnings and non-monetary measures,</u> including administrative fines, applicable to infringements of this Regulation <u>by operators,</u> and shall take all measures necessary to ensure that they are properly and effectively implemented <u>and taking into account the guidelines issued by the Commission and the (AI Office) pursuant to Article 82b.</u> 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 <u>SMEs including start-ups</u> and their economic viability.</p>
Article 71(2)				
669	2. The Member States shall notify	2. The Member States shall notify	2. The Member States shall	2. The Member States shall

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.	the Commission <u>and the Office by [12 months after the date of entry into force of this Regulation]</u> of those rules and of those measures and shall notify #them , without delay, of any subsequent amendment affecting them.	<u>without delay</u> notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.	<u>without delay</u> notify the Commission <u>[and the Office] and at the latest by the date of entry into application</u> of those <u>respective</u> rules and of those <u>respective</u> measures and shall notify #them , without delay, of any subsequent amendment affecting them.
Article 71(3)				
670	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. <u>Non compliance with the prohibition of the artificial intelligence practices referred to in Article 5</u> The following infringements shall be subject to administrative fines of up to 30 000 000 <u>40 000 000</u> EUR or, if the offender is <u>a</u> company, up to 6 <u>7</u> % of its total worldwide annual turnover for the preceding financial year, whichever is higher:	3. <u>Non-compliance with any of the prohibitions of the artificial intelligence practices referred to in Article 5</u> 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 . <u>In case of SMEs, including start-ups, these fines shall be up to 3% of their worldwide annual turnover for the preceding financial year.</u>	3. <u>Non compliance with the prohibition of the artificial intelligence practices referred to in Article 5</u> The following infringements shall be subject to administrative fines of up to 30 000 000 <u>40 000 000 EUR</u> or, if the offender is <u>a</u> company, up to 6 <u>7</u> % of its total worldwide annual turnover for the preceding financial year, whichever is higher:
Article 71(3), point (a)				
671	(a) non-compliance with the prohibition of the artificial intelligence practices referred to in	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 5;			
	Article 71(3), point (b)			
G	672 (b) non-compliance of the AI system with the requirements laid down in Article 10.	deleted	deleted	
	Article 71(3a)			
G	672a	<u>3a. Non-compliance of the AI system with the requirements laid down in Article 10 and 13 shall be subject to administrative fines of up to EUR 20 000 000 or, if the offender is a company, up to 4% of its total worldwide annual turnover for the preceding financial year, whichever is the higher.</u>		
	Article 71(4)			
Y	673 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	4. The Non-compliance of the AI system <u>or foundation model</u> with any requirements or obligations under this Regulation, other than those laid down in Articles 5, <u>10 and 13</u> and 10 , shall be subject to administrative fines of up to 20 000 000 EUR <u>10 000 000</u> or, if the	4. The non-compliance <u>Infringements</u> of the AI system with any requirements or obligations under this Regulation, other than those laid down in Articles 5 and 10 <u>following provisions related to operators or notified bodies</u> , shall be subject to	4. The Non-compliance of the <u>an</u> AI system <u>for foundation model/Gpail</u> with any requirements or obligations under this Regulation <u>of the following provisions related to operators or notified bodies</u> , other than those laid down in Articles 5 and 10 , <u>1</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	worldwide annual turnover for the preceding financial year, whichever is higher.	offender is a company, up to 4 <u>%2%</u> of its total worldwide annual turnover for the preceding financial year, whichever is higher.;	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.;	<u>[10, 13]</u> shall be subject to administrative fines of up to 20 000 000 <u>15 000 000</u> EUR or, if the offender is a company, up to 4 <u>%3%</u> of its total worldwide annual turnover for the preceding financial year, whichever is higher. Text Origin: Presidency1
Article 71(4), point (a)				
673a			<u>(a) obligations of providers pursuant to Articles 4b and 4c;</u>	<u>(a) obligations of providers pursuant to Articles 4b and 4c;</u> Text Origin: Council Mandate
Article 71(4), point (b)				
673b			<u>(b) obligations of providers pursuant to Article 16;</u>	<u>(b) obligations of providers pursuant to Article 16;</u> Text Origin: Council Mandate
Article 71(4), point (c)				
673c			<u>(c) obligations for certain other persons pursuant to Article 23a;</u>	<u>(c) obligations for certain other persons pursuant to Article 23a;</u> Text Origin: Council Mandate
Article 71(4), point (d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Y	673d		<u>(d) obligations of authorised representatives pursuant to Article 25;</u>	<u>(d) obligations of authorised representatives pursuant to Article 25;</u> Text Origin: Council Mandate	Y
	Article 71(4), point (e)				
Y	673e		<u>(e) obligations of importers pursuant to Article 26;</u>	<u>(e) obligations of importers pursuant to Article 26;</u> Text Origin: Council Mandate	Y
	Article 71(4), point (f)				
Y	673f		<u>(f) obligations of distributors pursuant to Article 27;</u>	<u>(f) obligations of distributors pursuant to Article 27;</u> Text Origin: Council Mandate	Y
	Article 71(4), point (g)				
Y	673g		<u>(g) obligations of users pursuant to Article 29, paragraphs 1 to 6a;</u>	<u>(g) obligations of users pursuant to Article 29, paragraphs 1 to 6a;</u> Text Origin: Council Mandate	Y
	Article 71(4), point (h)				
Y	673h		<u>(h) requirements and obligations</u>	<u>(h) requirements and obligations</u>	Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>of notified bodies pursuant to Article 33, 34(1), 34(3), 34(4), 34a;</u>	<u>of notified bodies pursuant to Article 33, 34(1), 34(3), 34(4), 34a;</u> Text Origin: Council Mandate
	Article 71(4), point (i)			
673i			<u>(i) transparency obligations for providers and users pursuant to Article 52.</u>	<u>(i) transparency obligations for providers and users pursuant to Article 52.</u> Text Origin: Council Mandate
	Article 71(4a)			
673j			<u>4a. In case of SMEs, including start-ups, these fines shall be up to 2% of their worldwide annual turnover for the preceding financial year.</u>	<u>4a.</u> Text Origin: Council Mandate
	Article 71(5)			
674	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	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 <u>5 000 000</u> EUR or, if the	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	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 <u>7 500 000</u> EUR or, if the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	a company, up to 2 % of its total worldwide annual turnover for the preceding financial year, whichever is higher.	offender is a company, up to 2 ¹ % of its total worldwide annual turnover for the preceding financial year, whichever is higher.	a company, up to 2 % of its total worldwide annual turnover for the preceding financial year, whichever is higher. <u>In case of SMEs, including start-ups, these fines shall be up to 1% of their worldwide annual turnover for the preceding financial year.</u>	offender is a company, up to 2 ^{1,5} % of its total worldwide annual turnover for the preceding financial year, whichever is higher. <u>5a. In case of SMEs, including start-ups, each fine referred to in this Article shall be up to the percentages or amount referred to paragraphs 3, 4 and 5, whichever of the two is lower.</u> <u>5b. In case of use of AI systems in the context of personal non-professional activities, fines shall be imposed only for infringements of Article 52 and amount up to 15 000 EUR or lower.</u>
Article 71(6)				
675	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. <u>Fines may be imposed in addition to or instead of non-monetary measures such as orders or warnings.</u> 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. 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. When deciding <u>whether to impose an administrative fine and on</u> the amount of the administrative fine in each individual case, all relevant circumstances of the specific situation shall be taken into account and, <u>as appropriate,</u> due regard shall be given to the following:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 71(6), point (a)			
676	(a) the nature, gravity and duration of the infringement and of its consequences;	(a) the nature, gravity and duration of the infringement and of its consequences, <u>taking into account the purpose of the AI system, as well as, where appropriate, the number of affected persons and the level of damage suffered by them</u> ;	(a) the nature, gravity and duration of the infringement and of its consequences;	(a) the nature, gravity and duration of the infringement and of its consequences, <u>taking into account the purpose of the AI system, as well as, where appropriate, the number of affected persons and the level of damage suffered by them</u> ;
	Article 71(6), point (aa)			
676a			<u>(aa) the intentional or negligent character of the infringement;</u>	<u>(aa) see line 678g</u>
	Article 71(6), point (ab)			
676b			<u>(ab) any action taken by the operator in order to remedy the infringement and mitigate the possible adverse effects of the infringement;</u>	<u>(ab) see line 678h</u>
	Article 71(6), point (b)			
677	(b) whether administrative fines have been already applied by other market surveillance authorities to the same operator for the same infringement.	(b) whether administrative fines have been already applied by other market surveillance <u>national supervisory</u> authorities <u>of one or more Member States</u> to the same	(b) whether administrative fines have been already applied by other market surveillance authorities <u>in other Member States</u> to the same operator for the same	(b) whether administrative fines have been already applied by other market surveillance <u>national supervisory</u> authorities <u>of one or more Member States</u> to the same

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		operator for the same infringement;	infringement;	operator for the same infringement; <small>Text Origin: Auxiliary 1</small>
Article 71(6), point (ba)				
677a			<u>(ba) whether administrative fines have been already applied by other authorities to the same operator for infringements of other Union or national law, when such infringements result from the same activity or omission constituting a relevant infringement of this Act;</u>	<u>(ba) whether administrative fines have been already applied by other authorities to the same operator for infringements of other Union or national law, when such infringements result from the same activity or omission constituting a relevant infringement of this Act;</u> <small>Text Origin: Auxiliary 1</small>
Article 71(6), point (c)				
678	(c) the size and market share of the operator committing the infringement;	(c) the size and market share <u>annual turnover</u> of the operator committing the infringement;	(c) the size, <u>the annual turnover</u> and market share of the operator committing the infringement;	(c) the size, <u>the annual turnover</u> and market share of the operator committing the infringement; <small>Text Origin: Auxiliary 1</small>
Article 71(6), point (ca)				
678a			<u>(ca) any other aggravating or mitigating factor applicable to the circumstances of the case, such as</u>	<u>(ca) any other aggravating or mitigating factor applicable to the circumstances of the case, such as</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>financial benefits gained, or losses avoided, directly or indirectly, from the infringement.</u>	<u>financial benefits gained, or losses avoided, directly or indirectly, from the infringement.</u> Text Origin: Council Mandate
	Article 71(6), point (cb)			
G	678b	<u>(ca) the degree of cooperation with the national competent authorities, in order to remedy the infringement and mitigate the possible adverse effects of the infringement;</u>		<u>(ca) the degree of cooperation with the national competent authorities, in order to remedy the infringement and mitigate the possible adverse effects of the infringement;</u> Text Origin: Auxiliary 1
	Article 71(6), point (cc)			
G	678c	<u>(cb) the degree of responsibility of the operator taking into account the technical and organisational measures implemented by them;</u>		<u>(cb) the degree of responsibility of the operator taking into account the technical and organisational measures implemented by them;</u> Text Origin: Auxiliary 1
	Article 71(6), point (cd)			
Y	678d	<u>(cc) adherence to approved codes of conduct or approved certification mechanisms;</u>		<u>(cc) [adherence to approved codes of conduct or approved certification mechanisms;]</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: EP Mandate
	Article 71(6), point (cd)			
G	678e	<u>(cd) any relevant previous infringements by the operator;</u>		
	Article 71(6), point (ce)			
G	678f	<u>(ce) the manner in which the infringement became known to the national competent authorities, in particular whether, and if so to what extent, the operator notified the infringement;</u>		<u>(ce) the manner in which the infringement became known to the national competent authorities, in particular whether, and if so to what extent, the operator notified the infringement;</u> Text Origin: Auxiliary 1
	Article 71(6), point (cf)			
G	678g	<u>(cf) the intentional or negligent character of the infringement;</u>		<u>(cf) the intentional or negligent character of the infringement;</u> Text Origin: EP Mandate
	Article 71(6), point (cg)			
G	678h	<u>(cg) any action taken by the operator to mitigate the harm of damage suffered by the affected</u>		<u>(cg) any action taken by the operator to mitigate the harm of damage suffered by the affected</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>persons</u> ;		<u>persons</u> ; Text Origin: EP Mandate
Article 71(7)				
G 679	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 whether and to what extent administrative fines may <u>to</u> be imposed on public authorities and bodies established in that Member State.;	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 whether and to what extent administrative fines may be imposed on public authorities and bodies established in that Member State. Text Origin: Auxiliary 1
Article 71(8)				
G 680	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.	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 efor 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 efor other bodies as applicable in those Member States. The application of such rules in those Member States shall have an equivalent effect. Text Origin: Auxiliary 1
Article 71(8a)				
Y 680a				Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>8a. 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.</u>	<u>8a. 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.</u> Text Origin: Auxiliary 1
	Article 71(8a)			
R	680b	<u>8a. 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 providers and distributors, importers, deployers, or any other third parties;</u>		
	Article 71(8b)			
Y	680c	<u>8b. National supervisory authorities shall, on an annual basis, report to the AI Office about the fines they have issued during that year, in accordance with this Article;</u>		<u>8b. National supervisory authorities shall, on an annual basis, report [to the AI Office and] to the European Commission about the administrative fines they have issued during that year, in accordance with this Article, and</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>any related litigation or judicial proceedings;</u> Text Origin: Auxiliary 1
Article 71(8c)				
680d		<u>8c. The exercise by competent authorities of their powers under this Article shall be subject to appropriate procedural safeguards in accordance with Union and national law, including judicial remedy and due process;</u>		
Article 72				
681	Article 72 Administrative fines on Union institutions, agencies and bodies	Article 72 Administrative fines on Union institutions, agencies and bodies	Article 72 Administrative fines on Union institutions, agencies and bodies	Article 72 Administrative fines on Union institutions, agencies and bodies Text Origin: Commission Proposal
Article 72(1)				
682	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	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	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	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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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:	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:	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:	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: Text Origin: Commission Proposal
Article 72(1), point (a)				
683	(a) the nature, gravity and duration of the infringement and of its consequences;	(a) the nature, gravity and duration of the infringement and of its consequences; <u>taking into account the purpose of the AI system concerned as well as the number of affected persons and the level of damage suffered by them, and any relevant previous infringement;</u>	(a) the nature, gravity and duration of the infringement and of its consequences;	(a) the nature, gravity and duration of the infringement and of its consequences; <u>taking into account the purpose of the AI system concerned as well as the number of affected persons and the level of damage suffered by them, and any relevant previous infringement;</u> Text Origin: EP Mandate
Article 72(1), point (aa)				
683a		<u>(aa) the degree of responsibility of the Union institution, agency or body, taking into account technical and organisational measures implemented by them;</u>		<u>(aa) the degree of responsibility of the Union institution, agency or body, taking into account technical and organisational measures implemented by them;</u>

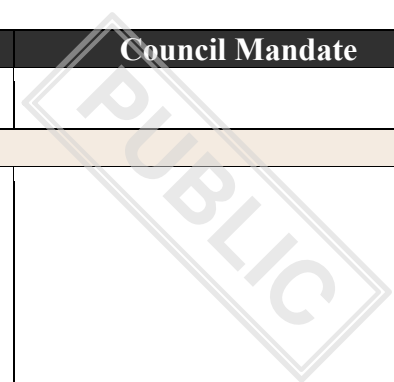
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Auxiliary 1
	Article 72(1), point (ab)			
683b		<u>(ab) any action taken by the Union institution, agency or body to mitigate the damage suffered by affected persons;</u>		<u>(ab) any action taken by the Union institution, agency or body to mitigate the damage suffered by affected persons;</u> Text Origin: Auxiliary 1
	Article 72(1), point (b)			
684	(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 subject matter;	(b) the <u>degree of</u> 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 subject matter;	(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 subject matter;	(b) the <u>degree of</u> 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 subject matter; Text Origin: Auxiliary 1
	Article 72(1), point (c)			
685				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(c) any similar previous infringements by the Union institution, agency or body;	(c) any similar previous infringements by the Union institution, agency or body;	(c) any similar previous infringements by the Union institution, agency or body.	(c) any similar previous infringements by the Union institution, agency or body; Text Origin: Commission Proposal
Article 72(1), point (ca)				
685a		<u>(ca) 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 or body notified the infringement;</u>		<u>(ca) 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 or body notified the infringement;</u> Text Origin: Auxiliary 1
Article 72(1), point (cb)				
685b		<u>(cb) the annual budget of the body;</u>		<u>(cb) the annual budget of the body;</u> Text Origin: Auxiliary 1
Article 72(2)				
686	2. The following infringements shall be subject to administrative fines of up to 500 000 EUR:	2. <u>Non compliance with the prohibition of the artificial intelligence practices referred to in Article 5</u> The following	2. <u>Non-compliance with any of the prohibitions of the artificial intelligence practices referred to in Article 5</u> The following	2. <u>Non compliance with the prohibition of the artificial intelligence practices referred to in Article 5</u> The following

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>infringements</i> shall be subject to administrative fines of up to 500 000 EUR : <u>EUR 1 500 000.</u>	<i>infringements</i> shall be subject to administrative fines of up to 500 000 EUR.	<i>infringements</i> shall be subject to administrative fines of up to 500 000 EUR : <u>EUR 1 500 000.</u> Text Origin: Auxiliary 1
	Article 72(2), point (-a)			
	686a			
	Article 72(2), point (a)			
G	687	(a) non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5;	deleted	(a) non-compliance with the prohibition of the artificial intelligence practices referred to in Article 5; <u>deleted</u>
	Article 72(2), point (aa)			
G	687a		<u>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 1 000 000 EUR.</u>	<u>(aa) deleted</u> Text Origin: Auxiliary 1
	Article 72(2), point (b)			
G	688	(b) non-compliance of the AI system with the requirements laid down in Article 10.	deleted	(b) non-compliance of the AI system with the requirements laid down in Article 10; <u>deleted</u> Text Origin: Auxiliary 1

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 72(3)			
689	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 250 000 EUR <u>750 000</u> .	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 250 000 EUR <u>750 000</u> . Text Origin: Auxiliary 1
	Article 72(4)			
690	4. Before taking decisions pursuant to this Article, the European Data Protection Supervisor shall give the Union institution, agency or body which is the subject of the proceedings conducted by the European Data Protection Supervisor the opportunity of being heard on the matter regarding the possible infringement. The European Data Protection Supervisor shall base his or her decisions only on elements and circumstances on which the parties concerned have been able to comment. Complainants, if any, shall be associated closely with the	4. Before taking decisions pursuant to this Article, the European Data Protection Supervisor shall give the Union institution, agency or body which is the subject of the proceedings conducted by the European Data Protection Supervisor the opportunity of being heard on the matter regarding the possible infringement. The European Data Protection Supervisor shall base his or her decisions only on elements and circumstances on which the parties concerned have been able to comment. Complainants, if any, shall be associated closely with the	4. Before taking decisions pursuant to this Article, the European Data Protection Supervisor shall give the Union institution, agency or body which is the subject of the proceedings conducted by the European Data Protection Supervisor the opportunity of being heard on the matter regarding the possible infringement. The European Data Protection Supervisor shall base his or her decisions only on elements and circumstances on which the parties concerned have been able to comment. Complainants, if any, shall be associated closely with the	4. Before taking decisions pursuant to this Article, the European Data Protection Supervisor shall give the Union institution, agency or body which is the subject of the proceedings conducted by the European Data Protection Supervisor the opportunity of being heard on the matter regarding the possible infringement. The European Data Protection Supervisor shall base his or her decisions only on elements and circumstances on which the parties concerned have been able to comment. Complainants, if any, shall be associated closely with the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	proceedings.	proceedings.	proceedings.	proceedings. Text Origin: Commission Proposal
Article 72(5)				
691	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.	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.	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.	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. Text Origin: Commission Proposal
Article 72(6)				
692	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 be the income <u>contribute to the general budget</u> of the general budget <u>Union. The fines shall not affect the effective operation</u> of the Union <u>institution, body or agency fined</u> .	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 be the income <u>contribute to the general budget</u> of the general budget <u>Union. The fines shall not affect the effective operation</u> of the Union <u>institution, body or agency fined</u> . Text Origin: Auxiliary 1



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 72(6a)				
692a		<u>6a. the European Data Protection Supervisor shall, on an annual basis, notify the AI Office of the fines it has imposed pursuant to this Article.</u>		<u>6a. the European Data Protection Supervisor shall, on an annual basis, notify the European Commission [and the AI Office] of the administrative fines it has imposed pursuant to this Article and any litigation or judicial proceedings;</u> Text Origin: Auxiliary 1
TITLE XI				
693	TITLE XI DELEGATION OF POWER AND COMMITTEE PROCEDURE	TITLE XI DELEGATION OF POWER AND COMMITTEE PROCEDURE	TITLE XI DELEGATION OF POWER AND COMMITTEE PROCEDURE	TITLE XI DELEGATION OF POWER AND COMMITTEE PROCEDURE Text Origin: Commission Proposal
Article 73				
694	Article 73 Exercise of the delegation	Article 73 Exercise of the delegation	Article 73 Exercise of the delegation	Article 73 Exercise of the delegation Text Origin: Commission Proposal
Article 73(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
695	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. Text Origin: Commission Proposal
Article 73(2)				
696	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 <u>power to adopt delegated acts</u> 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 <u>a</u> period of time from <u>five years from ...</u> [entering the <u>date of entry</u> into force of the Regulation]. <u>The Commission shall draw up a report in respect of the delegation of power not later than 9 months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</u>	2. The delegation of power referred to in Article 47(1) <u>7(1)</u> , Article 11(3), Article 43(5) and (6) and Article 48(5) shall be conferred on the Commission for an indeterminate <u>a</u> period of time <u>five years</u> from [entering into force of the <u>Regulation</u> entering into force of the Regulation].	2. The delegation of power <u>power to adopt delegated acts</u> 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 <u>a</u> period of time from <u>five years from ...</u> [entering the <u>date of entry</u> into force of the Regulation]. <u>The Commission shall draw up a report in respect of the delegation of power not later than 9 months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Auxiliary 1
	Article 73(2a), first subparagraph			
696a			<p><u>2a. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5 year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</u></p>	
	Article 73(3)			
697	<p>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</p>	<p>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</p>	<p>3. The delegation of power referred to in Article 47(1), Article 7(4)<u>7(3)</u>, 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 <u>Official Journal of the</u></p>	<p>3. The delegation of power referred to in <u>Article 47(1), Article 7(4)<u>7(3)</u></u>, Article 11(3), Article 43(5) and (6) and Article 48(5)<u></u> 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 <u>Official Journal of the</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	<i>European Union</i> 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.	<i>European Union</i> 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. Text Origin: Auxiliary 1
Article 73(3a)				
697a		<u>3a. Before adopting a delegated act, the Commission shall consult with the relevant institutions, the Office, the Advisory Forum and other relevant stakeholders in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. 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.</u>		
Article 73(4)				
698	4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 73(5)				
699	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, 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 <u>7(1)</u> , Article 7(1) <u>7(3)</u> , 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 <u>Article 4</u> , 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. Text Origin: Commission Proposal
Article 74				
700	Article 74 Committee procedure	Article 74 Committee procedure	Article 74 Committee procedure	Article 74 Committee procedure

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 74(1)				
701	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. Text Origin: Commission Proposal
Article 74(2)				
702	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Text Origin: Commission Proposal
TITLE XII				
703	TITLE XII FINAL PROVISIONS	TITLE XII FINAL PROVISIONS	TITLE XII FINAL PROVISIONS	TITLE XII FINAL PROVISIONS Text Origin: Commission Proposal
Article 75				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
704	Article 75 Amendment to Regulation (EC) No 300/2008	Article 75 Amendment to Regulation (EC) No 300/2008	Article 75 Amendment to Regulation (EC) No 300/2008	Article 75 Amendment to Regulation (EC) No 300/2008 Text Origin: Commission Proposal
Article 75, first paragraph				
705	In Article 4(3) of Regulation (EC) No 300/2008, the following subparagraph is added:	In Article 4(3) of Regulation (EC) No 300/2008, the following subparagraph is added:	In Article 4(3) of Regulation (EC) No 300/2008, the following subparagraph is added:	In Article 4(3) of Regulation (EC) No 300/2008, the following subparagraph is added: Text Origin: Commission Proposal
Article 75, first paragraph, amending provision, first paragraph				
706	“ When adopting detailed measures related to technical specifications and procedures for approval and use of security equipment concerning Artificial Intelligence systems in the meaning of Regulation (EU) YYYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Chapter 2, Title III of that Regulation shall be taken into account.”	“ When adopting detailed measures related to technical specifications and procedures for approval and use of security equipment concerning Artificial Intelligence systems in the meaning of Regulation (EU) YYYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Chapter 2, Title III of that Regulation shall be taken into account.”	“ When adopting detailed measures related to technical specifications and procedures for approval and use of security equipment concerning Artificial Intelligence systems in the meaning of Regulation (EU) YYYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Chapter 2, Title III of that Regulation shall be taken into account.”	“ When adopting detailed measures related to technical specifications and procedures for approval and use of security equipment concerning Artificial Intelligence systems in the meaning of Regulation (EU) YYYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Chapter 2, Title III of that Regulation shall be taken into account.”

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
	Article 75, first paragraph, amending provision, second paragraph			
707				Text Origin: Commission Proposal
	Article 75, first paragraph, amending provision, third paragraph			
708	* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...).” “	* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...).” “	* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...).” “	* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...).” “ Text Origin: Commission Proposal
	Article 76			
709	Article 76 Amendment to Regulation (EU) No 167/2013	Article 76 Amendment to Regulation (EU) No 167/2013	Article 76 Amendment to Regulation (EU) No 167/2013	Article 76 Amendment to Regulation (EU) No 167/2013 Text Origin: Commission Proposal
	Article 76, first paragraph			
710	In Article 17(5) of Regulation (EU)	In Article 17(5) of Regulation (EU)	In Article 17(5) of Regulation (EU)	In Article 17(5) of Regulation (EU)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	No 167/2013, the following subparagraph is added:	No 167/2013, the following subparagraph is added:	No 167/2013, the following subparagraph is added:	No 167/2013, the following subparagraph is added: Text Origin: Commission Proposal
Article 76, first paragraph, amending provision, first paragraph				
711	“ When adopting delegated acts pursuant to the first subparagraph concerning artificial intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.	“ When adopting delegated acts pursuant to the first subparagraph concerning artificial intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.	“ When adopting delegated acts pursuant to the first subparagraph concerning artificial intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.	“ When adopting delegated acts pursuant to the first subparagraph concerning artificial intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account. Text Origin: Commission Proposal
Article 76, first paragraph, amending provision, second paragraph				
712	_____	_____	_____	_____ Text Origin: Commission Proposal
Article 76, first paragraph, amending provision, third paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	713	* Regulation (EU) YYYY/XX [on Artificial Intelligence] (OJ ...).	* Regulation (EU) YYYY/XX [on Artificial Intelligence] (OJ ...):	* Regulation (EU) YYYY/XX [on Artificial Intelligence] (OJ ...). Text Origin: Commission Proposal	G
Article 77					
G	714	Article 77 Amendment to Regulation (EU) No 168/2013	Article 77 Amendment to Regulation (EU) No 168/2013	Article 77 Amendment to Regulation (EU) No 168/2013 Text Origin: Commission Proposal	G
Article 77, first paragraph					
G	715	In Article 22(5) of Regulation (EU) No 168/2013, the following subparagraph is added:	In Article 22(5) of Regulation (EU) No 168/2013, the following subparagraph is added:	In Article 22(5) of Regulation (EU) No 168/2013, the following subparagraph is added: Text Origin: Commission Proposal	G
Article 77, first paragraph, amending provision, first paragraph					
G	716	“ When adopting delegated acts pursuant to the first subparagraph concerning Artificial Intelligence	“ When adopting delegated acts pursuant to the first subparagraph concerning Artificial Intelligence	“ When adopting delegated acts pursuant to the first subparagraph concerning Artificial Intelligence	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	systems which are safety components in the meaning of Regulation (EU) YYY/XX on [Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.	systems which are safety components in the meaning of Regulation (EU) YYY/XX on [Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.	systems which are safety components in the meaning of Regulation (EU) YYY/XX on [Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.	systems which are safety components in the meaning of Regulation (EU) YYY/XX on [Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account. Text Origin: Commission Proposal
Article 77, first paragraph, amending provision, second paragraph				
717	_____	_____	_____	Text Origin: Commission Proposal
Article 77, first paragraph, amending provision, third paragraph				
718	* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...). ”	* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...). ”	* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...). ”	* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...). ” Text Origin: Commission Proposal
Article 78				
719	Article 78	Article 78	Article 78	Article 78

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Amendment to Directive 2014/90/EU	Amendment to Directive 2014/90/EU	Amendment to Directive 2014/90/EU	Amendment to Directive 2014/90/EU <small>Text Origin: Commission Proposal</small>
Article 78, first paragraph				
720	In Article 8 of Directive 2014/90/EU, the following paragraph is added:	In Article 8 of Directive 2014/90/EU, the following paragraph is added:	In Article 8 of Directive 2014/90/EU, the following paragraph is added:	In Article 8 of Directive 2014/90/EU, the following paragraph is added: <small>Text Origin: Commission Proposal</small>
Article 78, first paragraph, amending provision, first subparagraph				
721	" 4. "For Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, when carrying out its activities pursuant to paragraph 1 and when adopting technical specifications and testing standards in accordance with paragraphs 2 and 3, the Commission shall take into account the requirements set out in Title III, Chapter 2 of that Regulation.	" 4. "For Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, when carrying out its activities pursuant to paragraph 1 and when adopting technical specifications and testing standards in accordance with paragraphs 2 and 3, the Commission shall take into account the requirements set out in Title III, Chapter 2 of that Regulation.	" 4. "4. For Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, when carrying out its activities pursuant to paragraph 1 and when adopting technical specifications and testing standards in accordance with paragraphs 2 and 3, the Commission shall take into account the requirements set out in Title III, Chapter 2 of that Regulation.	" 4. "For Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, when carrying out its activities pursuant to paragraph 1 and when adopting technical specifications and testing standards in accordance with paragraphs 2 and 3, the Commission shall take into account the requirements set out in Title III, Chapter 2 of that Regulation.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
	Article 78, first paragraph, amending provision, first subparagraph, first paragraph			
722				Text Origin: Commission Proposal
	Article 78, first paragraph, amending provision, first subparagraph, second paragraph			
723	* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...).”	* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...).”	* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...).”	* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...).” Text Origin: Commission Proposal
	Article 79			
724	Article 79 Amendment to Directive (EU) 2016/797	Article 79 Amendment to Directive (EU) 2016/797	Article 79 Amendment to Directive (EU) 2016/797	Article 79 Amendment to Directive (EU) 2016/797 Text Origin: Commission Proposal
	Article 79, first paragraph			
725	In Article 5 of Directive (EU)	In Article 5 of Directive (EU)	In Article 5 of Directive (EU)	In Article 5 of Directive (EU)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2016/797, the following paragraph is added:	2016/797, the following paragraph is added:	2016/797, the following paragraph is added:	2016/797, the following paragraph is added: Text Origin: Commission Proposal
Article 79, first paragraph, amending provision, first subparagraph				
726	" 12. "When adopting delegated acts pursuant to paragraph 1 and implementing acts pursuant to paragraph 11 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.	" 12. "When adopting delegated acts pursuant to paragraph 1 and implementing acts pursuant to paragraph 11 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.	" 12. " <u>12</u> . When adopting delegated acts pursuant to paragraph 1 and implementing acts pursuant to paragraph 11 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.	" 12. "When adopting delegated acts pursuant to paragraph 1 and implementing acts pursuant to paragraph 11 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account. Text Origin: Commission Proposal
Article 79, first paragraph, amending provision, first subparagraph, first paragraph				
727	_____	_____	_____	_____ Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 79, first paragraph, amending provision, first subparagraph, second paragraph			
728	* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...).”.	* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...).”.	* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...).”.	* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...).”.
				Text Origin: Commission Proposal
	Article 80			
729	Article 80 Amendment to Regulation (EU) 2018/858	Article 80 Amendment to Regulation (EU) 2018/858	Article 80 Amendment to Regulation (EU) 2018/858	Article 80 Amendment to Regulation (EU) 2018/858
				Text Origin: Commission Proposal
	Article 80, first paragraph			
730	In Article 5 of Regulation (EU) 2018/858 the following paragraph is added:	In Article 5 of Regulation (EU) 2018/858 the following paragraph is added:	In Article 5 of Regulation (EU) 2018/858 the following paragraph is added:	In Article 5 of Regulation (EU) 2018/858 the following paragraph is added:
				Text Origin: Commission Proposal
	Article 80, first paragraph, amending provision, first subparagraph			
731	" 4. “When adopting delegated acts pursuant to paragraph 3 concerning	" 4. “When adopting delegated acts pursuant to paragraph 3 concerning	" 4. "4. When adopting delegated acts pursuant to paragraph 3	" 4. “When adopting delegated acts pursuant to paragraph 3 concerning

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council *, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.	Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council *, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.	concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council *, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.	Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council *, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account. Text Origin: Commission Proposal
Article 80, first paragraph, amending provision, first subparagraph, first paragraph				
732	_____		_____	Text Origin: Commission Proposal
Article 80, first paragraph, amending provision, first subparagraph, second paragraph				
733	* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...).”.	* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...).”.	* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...).”.	* Regulation (EU) YYY/XX [on Artificial Intelligence] (OJ ...).”.
Text Origin: Commission Proposal				
Article 81				
734	Article 81	Article 81	Article 81	Article 81

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Amendment to Regulation (EU) 2018/1139	Amendment to Regulation (EU) 2018/1139	Amendment to Regulation (EU) 2018/1139	Amendment to Regulation (EU) 2018/1139 <small>Text Origin: Commission Proposal</small>
	Article 81, first paragraph			
735	Regulation (EU) 2018/1139 is amended as follows:	Regulation (EU) 2018/1139 is amended as follows:	Regulation (EU) 2018/1139 is amended as follows:	Regulation (EU) 2018/1139 is amended as follows: <small>Text Origin: Commission Proposal</small>
	Article 81, first paragraph, point (1)			
736	(1) In Article 17, the following paragraph is added:	(1) In Article 17, the following paragraph is added:	(1) In Article 17, the following paragraph is added:	(1) In Article 17, the following paragraph is added: <small>Text Origin: Commission Proposal</small>
	Article 81, first paragraph, point (1), amending provision, first subparagraph			
737	" 3. "Without prejudice to paragraph 2, when adopting implementing acts pursuant to paragraph 1 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on	" 3. "Without prejudice to paragraph 2, when adopting implementing acts pursuant to paragraph 1 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on	" 3. " Without prejudice to paragraph 2, when adopting implementing acts pursuant to paragraph 1 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on	" 3. "Without prejudice to paragraph 2, when adopting implementing acts pursuant to paragraph 1 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.	Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.	Artificial Intelligence on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.	Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account. Text Origin: Commission Proposal
Article 81, first paragraph, point (1), amending provision, first subparagraph, first paragraph				
738	_____		_____	_____ Text Origin: Commission Proposal
Article 81, first paragraph, point (1), amending provision, first subparagraph, second paragraph				
739	* Regulation (EU) YYYY/XX [on Artificial Intelligence] (OJ ...).” “	* Regulation (EU) YYYY/XX [on Artificial Intelligence] (OJ ...).” “	* Regulation (EU) YYYY/XX [on Artificial Intelligence] (OJ ...).” “	* Regulation (EU) YYYY/XX [on Artificial Intelligence] (OJ ...).” “ Text Origin: Commission Proposal
Article 81, first paragraph, point (2)				
740	(2) In Article 19, the following paragraph is added:	(2) In Article 19, the following paragraph is added:	(2) In Article 19, the following paragraph is added:	(2) In Article 19, the following paragraph is added: Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 81, first paragraph, point (2), amending provision, numbered paragraph (4)			
741	<p>“</p> <p>4. When adopting delegated acts pursuant to paragraphs 1 and 2 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.</p> <p>”</p>	<p>“</p> <p>4. When adopting delegated acts pursuant to paragraphs 1 and 2 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.</p> <p>”</p>	<p>“</p> <p>4. When adopting delegated acts pursuant to paragraphs 1 and 2 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.”</p> <p>”</p>	<p>“</p> <p>4. When adopting delegated acts pursuant to paragraphs 1 and 2 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.</p> <p>”</p> <p>Text Origin: Commission Proposal</p>
	Article 81, first paragraph, point (3)			
742	<p>(3) In Article 43, the following paragraph is added:</p>	<p>(3) In Article 43, the following paragraph is added:</p>	<p>(3) In Article 43, the following paragraph is added:</p>	<p>(3) In Article 43, the following paragraph is added:</p> <p>Text Origin: Commission Proposal</p>
	Article 81, first paragraph, point (3), amending provision, numbered paragraph (4)			
743	<p>“</p> <p>4. When adopting implementing acts pursuant to paragraph 1</p>	<p>“</p> <p>4. When adopting implementing acts pursuant to paragraph 1</p>	<p>“</p> <p>4. When adopting implementing acts pursuant to paragraph 1</p>	<p>“</p> <p>4. When adopting implementing acts pursuant to paragraph 1</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account. ”	concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account. ”	concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.”	concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account. ” Text Origin: Commission Proposal
Article 81, first paragraph, point (4)				
744	(4) In Article 47, the following paragraph is added:	(4) In Article 47, the following paragraph is added:	(4) In Article 47, the following paragraph is added:	(4) In Article 47, the following paragraph is added: Text Origin: Commission Proposal
Article 81, first paragraph, point (4), amending provision, numbered paragraph (3)				
745	“ 3. When adopting delegated acts pursuant to paragraphs 1 and 2 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], the requirements set out in Title III, Chapter 2 of that Regulation shall	“ 3. When adopting delegated acts pursuant to paragraphs 1 and 2 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], the requirements set out in Title III, Chapter 2 of that Regulation shall	“ 3. When adopting delegated acts pursuant to paragraphs 1 and 2 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], the requirements set out in Title III, Chapter 2 of that Regulation shall	“ 3. When adopting delegated acts pursuant to paragraphs 1 and 2 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], the requirements set out in Title III, Chapter 2 of that Regulation shall

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	be taken into account. ”	be taken into account. ”	be taken into account.” ”	be taken into account. ” Text Origin: Commission Proposal
Article 81, first paragraph, point (5)				
746	(5) In Article 57, the following paragraph is added:	(5) In Article 57, the following paragraph is added:	(5) In Article 57, the following paragraph is added:	(5) In Article 57, the following paragraph is added: Text Origin: Commission Proposal
Article 81, first paragraph, point (5), amending provision, first paragraph				
747	“ When adopting those implementing acts concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account. ”	“ When adopting those implementing acts concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account. ”	“ When adopting those implementing acts concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.” ”	“ When adopting those implementing acts concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence], the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account. ” Text Origin: Commission Proposal
Article 81, first paragraph, point (6)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
748	(6) In Article 58, the following paragraph is added:	(6) In Article 58, the following paragraph is added:	(6) In Article 58, the following paragraph is added:	(6) In Article 58, the following paragraph is added: Text Origin: Commission Proposal
Article 81, first paragraph, point (6), amending provision, numbered paragraph (3)				
749	“ 3. When adopting delegated acts pursuant to paragraphs 1 and 2 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] , the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.. ”	“ 3. When adopting delegated acts pursuant to paragraphs 1 and 2 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] , the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.. ”	“ 3. When adopting delegated acts pursuant to paragraphs 1 and 2 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] , the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.. ”	“ 3. When adopting delegated acts pursuant to paragraphs 1 and 2 concerning Artificial Intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] , the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.. ” Text Origin: Commission Proposal
Article 81a (new)				
749a		<u>Article 81a</u> <u>Amendment to Regulation (EU) 2019/1020</u> <u>Regulation (EU) 2019/1020 is amended as follows:</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>in Article 14(4), the following paragraph is added:</u> <u>"(l). the power to implement the powers provided for in this Article remotely, where applicable;"</u>		
Article 82				
750	Article 82 Amendment to Regulation (EU) 2019/2144	Article 82 Amendment to Regulation (EU) 2019/2144	Article 82 Amendment to Regulation (EU) 2019/2144	Article 82 Amendment to Regulation (EU) 2019/2144 Text Origin: Commission Proposal
Article 82a (new)				
750a		<u>Article 82a</u> <u>Better Regulation</u> <u>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.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 82, first paragraph -a			
750b		<p><u>Article 82b</u> <u>Guidelines from the Commission on the implementation of this Regulation</u></p> <p><u>1. The Commission shall develop, in consultation with the AI office, guidelines on the practical implementation of this Regulation, and in particular on:</u></p> <p><u>(a) the application of the requirements referred to in Articles 8 - 15 and Article 28 to 28b;</u></p> <p><u>(b) the prohibited practices referred to in Article 5;</u></p> <p><u>(c) the practical implementation of the provisions related to substantial modification;</u></p> <p><u>(d) the practical circumstances where the output of an AI system referred to in Annex III would pose a significant risk of harm to the health, safety or fundamental rights of natural persons as referred to in Article 6, paragraph 2, including examples in relation to high risk AI systems referred to in Annex III;</u></p> <p><u>(e) the practical implementation of transparency obligations laid</u></p>		<p><u>Article 82b</u> <u>Guidelines from the Commission on the implementation of this Regulation</u></p> <p><u>1. The Commission shall develop, in consultation with the AI office, guidelines on the practical implementation of this Regulation, and in particular on:</u></p> <p><u>(a) the application of the requirements referred to in Articles 8 - 15 [and Article 28 to 28b / GPAI];</u></p> <p><u>(b) the prohibited practices referred to in Article 5;</u></p> <p><u>(c) the practical implementation of the provisions related to substantial modification;</u></p> <p><u>(d) the practical circumstances where the output of an AI system referred to in Annex III would pose a significant risk of harm to the health, safety or fundamental rights of natural persons as referred to in Article 6, paragraph 2, including examples in relation to high risk AI systems referred to in Annex III;</u></p> <p><u>(e) the practical implementation of transparency obligations laid down in Article 52;</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>down in Article 52;</u></p> <p><u>(f) the development of codes of conduct referred to in Article 69;</u></p> <p><u>(g) the relationship of this Regulation with other relevant Union law, including as regards consistency in their enforcement.</u></p> <p><u>(h) the practical implementation of Article 12, Article 28b on environmental impact of foundation models and Annex IV 3(b), particularly the measurement and logging methods to enable calculations and reporting of the environmental impact of systems to comply with the obligations in this Regulation, including carbon footprint and energy efficiency, taking into account state-of-the-art methods and economies of scale.</u></p> <p><u>When issuing such guidelines, the Commission shall pay particular attention to the needs of SMEs including start-ups, local public authorities and sectors most likely to be affected by this Regulation.</u></p> <p><u>2. Upon request of the Member States or the AI Office, or on its own initiative, the Commission shall update already adopted</u></p>	<p><i>PUBLIC</i></p>	<p><u>(f) upon request, the development of codes of conduct referred to in Article 69;</u></p> <p><u>(g) the relationship of this Regulation with other relevant Union law, including as regards consistency in their enforcement.</u></p> <p><u>[(h) the practical implementation of Article 12, Article 28b on environmental impact of foundation models and Annex IV 3(b), particularly the measurement and logging methods to enable calculations and reporting of the environmental impact of systems to comply with the obligations in this Regulation, including carbon footprint and energy efficiency, taking into account state-of-the-art methods and economies of scale.]</u></p> <p><u>When issuing such guidelines, the Commission shall pay particular attention to the needs of SMEs including start-ups, local public authorities and sectors most likely to be affected by this Regulation.</u></p> <p><u>2. Upon request of the Member States or the AI Office, or on its own initiative, the Commission shall update already adopted</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>guidelines when deemed necessary.</u>		<u>guidelines when deemed necessary.</u> Text Origin: EP Mandate
Article 82, first paragraph				
751	In Article 11 of Regulation (EU) 2019/2144, the following paragraph is added:	In Article 11 of Regulation (EU) 2019/2144, the following paragraph is added:	In Article 11 of Regulation (EU) 2019/2144, the following paragraph is added:	In Article 11 of Regulation (EU) 2019/2144, the following paragraph is added: Text Origin: Commission Proposal
Article 82, first paragraph, amending provision, first subparagraph				
752	” 3. “When adopting the implementing acts pursuant to paragraph 2, concerning artificial intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.	” 3. “When adopting the implementing acts pursuant to paragraph 2, concerning artificial intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.	” 3. “ When adopting the implementing acts pursuant to paragraph 2, concerning artificial intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account.	” 3. “When adopting the implementing acts pursuant to paragraph 2, concerning artificial intelligence systems which are safety components in the meaning of Regulation (EU) YYY/XX [on Artificial Intelligence] of the European Parliament and of the Council*, the requirements set out in Title III, Chapter 2 of that Regulation shall be taken into account. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 82, first paragraph, amending provision, first subparagraph, first paragraph			
G	753			Text Origin: Commission Proposal
	Article 82, first paragraph, amending provision, first subparagraph, second paragraph			
G	754	* Regulation (EU) YYYY/XX [on Artificial Intelligence] (OJ ...).. ”	* Regulation (EU) YYYY/XX [on Artificial Intelligence] (OJ ...). ”	* Regulation (EU) YYYY/XX [on Artificial Intelligence] (OJ ...).. ” Text Origin: Commission Proposal
	Article 83			
G	755	Article 83 AI systems already placed on the market or put into service	Article 83 AI systems already placed on the market or put into service	Article 83 AI systems already placed on the market or put into service Text Origin: Commission Proposal
	Article 83(1), first subparagraph			
R	756	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	1. This Regulation shall not apply to Operators of the AI systems which are components of the large-scale IT systems established by the legal acts listed in Annex IX that	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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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.</p>	<p>have been placed on the market or put into service before [12 months after prior to ...] the date of application <u>entry into force</u> of this Regulation <u>/ shall take the necessary steps to comply with the requirements laid down in this Regulation by ... [four years after the date of entry into force of this Regulation] referred to in Article 85(2)]</u>, 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.</p>	<p>been placed on the market or put into service before <u>[12 months after the date of application of this Regulation referred to in Article 85(2)]</u> [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.</p>	
Article 83(1), second subparagraph				
757	<p>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.</p>	<p>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 <u>and whenever those legal acts are replaced or amended</u>.</p>	<p>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.</p>	<p>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 <u>and whenever those legal acts are replaced or amended</u>.</p> <p>Text Origin: Auxiliary 1</p>
Article 83(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
758	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.	2. This Regulation shall apply to the operators of 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 <u>substantial modifications as defined in Article 3(23). In the case of high-risk AI systems</u> intended purpose to be used by public authorities, <u>providers and deployers of such systems shall take the necessary steps to comply with the requirements of the present Regulation [two years after the date of entry into force of this Regulation].</u>	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 [<u>date of application of this Regulation referred to in Article 85(2)</u> 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.	2. <u>This Regulation shall apply to the operators of 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 <u>designs. In the case of high-risk AI systems</u> intended purpose to be used by public authorities, providers and <u>deployers of such systems shall take the necessary steps to comply with the requirements of the present Regulation [four years] after the date of entry into [application/ force] of this Regulation.</u></u> Text Origin: Auxiliary 1
Article 84				
759	Article 84 Evaluation and review	Article 84 Evaluation and review	Article 84 Evaluation and review	Article 84 Evaluation and review Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 84(1)				
760	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. <u>After consulting the AI Office,</u> the Commission shall assess the need for amendment of the list in Annex III, <u>including the extension of existing area headings or addition of new area headings in that Annex, the list of prohibited AI practices in Article 5, and the list of AI systems requiring additional transparency measures in Article 52</u> once a year following the entry into force of this Regulation <u>and following a recommendation of the Office.</u> <u>The Commission shall submit the findings of that assessment to the European Parliament and the Council.</u>	1. The Commission shall assess the need for amendment of the list in Annex III once a year <u>every 24 months</u> following the entry into force of this Regulation <u>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.</u>	1. <u>1. [After consulting the AI Office],</u> 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. <u>The Commission shall submit the findings of that assessment to the European Parliament and the Council.</u> Text Origin: EP Mandate
Article 84(2)				
761	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.	2. By ... three <u>two</u> years after the date of application of this Regulation referred to in Article 85(2)] and every four <u>two</u> years thereafter, the Commission, <u>together with the AI office,</u> shall submit a report on the evaluation and review of this Regulation to the European Parliament and to the	2. By [<u>three years after the date of application of this Regulation referred to in Article 85(2)</u> 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	2. <u>2. By two</u> By three years after the date of application of this Regulation referred to in Article 85(2) <u>[IY(1)]</u> and every four <u>four</u> years thereafter, the Commission, <u>[after consulting the AI Office], shall evaluate and report to the European Parliament and to the Council on the need for</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Council. The reports shall be made public.	the European Parliament and to the Council. The reports shall be made public.	<p><u>amendment of the following:</u></p> <ul style="list-style-type: none"> <u>- the need for extension of existing area headings or addition of new area headings in Annex III,</u> <u>- the list of prohibited AI practices in Article 5, and</u> <u>- the list of AI systems requiring additional transparency measures in Article 52</u> <u>[- effectiveness of the supervision and governance system]</u> <p><u>2a, By three years after the date of application of this Regulation referred to in Article 85(3) and every four years thereafter, the Commission, [in consultation with the AI office,]</u> 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.</p> <p>Text Origin: Auxiliary 1</p>
Article 84(3)				
762	3. The reports referred to in paragraph 2 shall devote specific attention to the following:	3. The reports referred to in paragraph 2 shall devote specific attention to the following:	3. The reports referred to in paragraph 2 shall devote specific attention to the following:	<p>3. The reports referred to in paragraph 2 shall devote specific attention to the following:</p> <p>Text Origin: Commission Proposal</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 84(3), point (a)			
763	(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;	(a) the status of the financial, <u>technical</u> and human resources of the national competent authorities in order to effectively perform the tasks assigned to them under this Regulation;	(a) the status of the financial <u>resources, technical equipment</u> and human resources of the national competent authorities in order to effectively perform the tasks assigned to them under this Regulation;	(a) the status of the financial, <u>technical</u> and human resources of the national competent authorities in order to effectively perform the tasks assigned to them under this Regulation; Text Origin: Auxiliary 1
	Article 84(3), point (b)			
764	(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.	(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.	(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.	(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. Text Origin: Commission Proposal
	Article 84(3), point (ba)			
764a		<u>(ba) the level of the development of harmonised standards and common specifications for Artificial Intelligence;</u>		<u>(ba) the level of the development of harmonised standards and common specifications for Artificial Intelligence;</u> <u>bb) the certification and</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>compliance costs for SMEs and start-ups;</u> Text Origin: Auxiliary 1
	Article 84(3), point (bb)			
R	764b	<u>(bb) the levels of investments in research, development and application of AI systems throughout the Union;</u>		R
	Article 84(3), point (bc)			
R	764c	<u>(bc) the competitiveness of the aggregated European AI sector compared to AI sectors in third countries;</u>		R
	Article 84(3), point (bd)			
R	764d	<u>(bd) the impact of the Regulation with regards to the resource and energy use, as well as waste production and other environmental impact;</u>		R
	Article 84(3), point (be)			
R	764e	<u>(be) the implementation of the</u>		R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>coordinated plan on AI, taking into account the different level of progress among Member States and identifying existing barriers to innovation in AI;</i></u>		
	Article 84(3), point (bf)			
R	764f	<u><i>(bf) the update of the specific requirements regarding the sustainability of AI systems and foundation models, building on the reporting and documentation requirement in Annex IV and in Article 28b;</i></u>		R
	Article 84(3), point (bg)			
R	764g	<u><i>(bg) the legal regime governing foundation models;</i></u>		R
	Article 84(3), point (bh)			
R	764h	<u><i>(bh) the list of unfair contractual terms within Article 28a taking into account new business practices if necessary;</i></u>		R
	Article 84(3a)			
R	764i			R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>3a. By ... [two years after the date of entry into application of this Regulation referred to in Article 85(2)] the Commission shall evaluate the functioning of the AI office, whether the office has been given sufficient powers and competences to fulfil its tasks and whether it would be relevant and needed for the proper implementation and enforcement of this Regulation to upgrade the Office and its enforcement competences and to increase its resources. The Commission shall submit this evaluation report to the European Parliament and to the Council.</u></p>		
Article 84(4)				
765	<p>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</p>	<p>4. Within ... [three years <u>one year</u> after the date of application of this Regulation referred to in Article 85(2)] and every four <u>two</u> 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</p>	<p>4. Within [<u>three years after the date of application of this Regulation referred to in Article 85(2)</u> three years after the date of application of this Regulation referred to in Article 85(2)] and every four years thereafter, <u>where appropriate</u>, the Commission shall evaluate the impact and effectiveness of <u>voluntary</u> codes of conduct to foster the application of the requirements set out in Title III,</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	systems.	systems ;	Chapter 2 <u>for AI systems other than high-risk AI systems</u> and possibly other additional requirements for AI systems, <u>including as regards environmental sustainability</u> other than high risk AI systems.	
Article 84(5)				
766	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.	5. For the purpose of paragraphs 1 to 4 the Board <u>AI Office</u> , the Member States and national competent authorities shall provide the Commission with information on its request <u>without undue delay</u> .	5. For the purpose of paragraphs 1 <u>1a</u> to 4 the Board, the Member States and national competent authorities shall provide the Commission with information on its request.	5. For the purpose of paragraphs 1 to 4 <u>[the AI Office]</u> the Board, the Member States and national competent authorities shall provide the Commission with information on its request <u>without undue delay</u> . Text Origin: Auxiliary 1
Article 84(6)				
767	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.	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, <u>AI Office</u> of the European Parliament, of the Council, and of other relevant bodies or sources <u>and shall consult relevant stakeholders. The result of such consultation shall be attached to</u>	6. In carrying out the evaluations and reviews referred to in paragraphs 1 <u>1a</u> 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.	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 <u>and shall consult relevant stakeholders. The result of such consultation shall be attached to</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>the report;</u>		<u>the report;</u> Text Origin: Auxiliary 1
Article 84(7)				
768	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.	7. the Commission shall, if necessary, submit appropriate proposals to amend this Regulation, in particular taking into account developments in technology, <u>the effect of AI systems on health and safety, fundamental rights, the environment, equality, and accessibility for persons with disabilities, democracy and rule of law</u> and in the light of the state of progress in the information society.	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.	
Article 84(7a)				
768a		<u>7a. To guide the evaluations and reviews referred to in paragraphs 1 to 4 of this Article, the Office 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</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>extension of existing area headings or addition of new area headings in that Annex; the list of prohibited practices laid down in Article 5; and the list of AI systems requiring additional transparency measures pursuant to Article 52.</u>		
	Article 84(7a)			
G	768b	<u>7b. Any amendment to this Regulation pursuant to paragraph 7 of this Article, or relevant future delegated or implementing acts, which concern sectoral legislation listed in Annex II Ssection B, shall take into account the regulatory specificities of each sector, and existing governance, conformity assessment and enforcement mechanisms and authorities established therein.</u>		<u>7b. Any amendment to this Regulation pursuant to paragraph 7 of this Article, 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 existing governance, conformity assessment and enforcement mechanisms and authorities established therein.</u> Text Origin: Auxiliary 1
	Article 84(7b)			
Y	768c	<u>7c. By ... [five years from the date of application of this Regulation], the Commission shall carry out an assessment of the</u>		<u>7c. By ... [five years from the date of application of this Regulation], the Commission shall carry out an assessment of the</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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 Union agency to resolve any identified shortcomings.</u>		<u>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 Union agency to resolve any identified shortcomings.</u> Text Origin: Presidency1
Article 85				
769	Article 85 Entry into force and application	Article 85 Entry into force and application	Article 85 Entry into force and application	Article 85 Entry into force and application Text Origin: Commission Proposal
Article 85(1)				
770	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	1. This Regulation shall enter into force on the twentieth day following that of its publication in the <u>Official Journal of the European Union</u> Official Journal	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<i>of the European Union.</i>	Text Origin: Commission Proposal
	Article 85(2)			
771	2. This Regulation shall apply from [24 months following the entering into force of the Regulation].	2. This Regulation shall apply from [24 months following the entering into force of the Regulation].	2. This Regulation shall apply from [24 36 months following the entering into force of the Regulation].	2. This Regulation shall apply from [24 18 months following the entering into force of the Regulation].
	Article 85(3)			
772	3. By way of derogation from paragraph 2:	3. By way of derogation from paragraph 2:	3. By way of derogation from paragraph 2:	3. By way of derogation, <u>the following provisions shall apply [24 months following the entry into force of this Regulation]</u> from paragraph 2: Text Origin: Commission Proposal
	Article 85(3), point (a)			
773	(a) Title III, Chapter 4 and Title VI shall apply from [three months following the entry into force of this Regulation];	(a) Title III, Chapter 4 and Title VI shall apply from [three months following the entry into force of this Regulation];	(a) Title III, Chapter 4 and Title VI shall apply from [three twelve months following the entry into force of this Regulation];	(a) Title III (<u>High-risk AI systems</u>), <u>with the exception of</u> chapter 4 and Title VI <u>which</u> shall apply from [three 18 months following the entry into force of this Regulation];
	Article 85(3), point (b)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Y	774	(b) Article 71 shall apply from [twelve months following the entry into force of this Regulation].	(b) Article 71 shall apply from [twelve months following the entry into force of this Regulation].	(b) Article 71 shall apply from [twelve months following the entry into force of this Regulation] <u>Title VIII (Post-market monitoring, information sharing, market-surveillance) [in so far as enforcement in relation to high-risk AI systems is concerned]</u> . <u>c) depending on further discussion: possible rules on GPAI/foundation models/generative AI</u> Text Origin: Commission Proposal
Article 85, fourth paragraph				
G	775	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States. Text Origin: Commission Proposal
Formula				
G	776	Done at Brussels,	Done at Brussels,	Done at Brussels, Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Formula			
G 777	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament Text Origin: Commission Proposal
	Formula			
G 778	The President	The President	The President	The President Text Origin: Commission Proposal
	Formula			
G 779	For the Council	For the Council	For the Council	For the Council Text Origin: Commission Proposal
	Formula			
G 780	The President	The President	The President	The President Text Origin: Commission Proposal


Section II – Articles for potential political agreement during the third trilogue on the AI Act

A. Classification of AI systems as high-risk (Recitals 32 and 32a, Articles 6 and 7, Article 51, Article 65a (*new*), subparagraph 2 of Annex III (*new*) and Section D of Annex VIII (*new*))

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
Recital 32				
42	<p>(32) As regards stand-alone AI systems, meaning high-risk AI systems other than those that are safety components of products, or which are themselves products, it is appropriate to classify them as high-risk if, in the light of their intended purpose, they pose a high risk of harm to the health and safety or the fundamental rights of persons, taking into account both the severity of the possible harm and its probability of occurrence and they are used in a number of specifically pre-defined areas specified in the Regulation. The identification of those systems is based on the same methodology and criteria envisaged also for any future amendments of the list of high-risk AI systems.</p>	<p>(32) As regards stand-alone AI systems, meaning high-risk AI systems other than those that are safety components of products, or which are themselves products <u>and that are listed in one of the areas and use cases in Annex III</u>, it is appropriate to classify them as high-risk if, in the light of their intended purpose, they pose a <u>high significant</u> risk of harm to the health and safety or the fundamental rights of persons <u>and, where the AI system is used as a safety component of a critical infrastructure, to the environment</u>. <u>Such significant risk of harm should be identified by assessing on the one hand the effect of such risk with respect to its level of severity, intensity, -taking into account both the severity of the possible harm and its probability of occurrence and they are used in a number of specifically pre-</u></p>	<p>(32) As regards stand-alone AI systems, meaning high-risk AI systems other than those that are safety components of products, or which are themselves products, it is appropriate to classify them as high-risk if, in the light of their intended purpose, they pose a high risk of harm to the health and safety or the fundamental rights of persons, taking into account both the severity of the possible harm and its probability of occurrence, and they are used in a number of specifically pre-defined areas specified in the Regulation. The identification of those systems is based on the same methodology and criteria envisaged also for any future amendments of the list of high-risk AI systems. <u>It is also important to clarify that within the high-risk scenarios referred to in Annex III there may be systems that do not lead to a</u></p>	<p>(32) As regards stand-alone AI systems, meaning high-risk AI systems other than those that are safety components of products, or which are themselves products, it is appropriate to classify them as high-risk if, in the light of their intended purpose, they pose a high risk of harm to the health and safety or the fundamental rights of persons, taking into account both the severity of the possible harm and its probability of occurrence and they are used in a number of specifically pre-defined areas specified in the Regulation. The identification of those systems is based on the same methodology and criteria envisaged also for any future amendments of the list of high-risk AI systems.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
		<p>defined areas specified in the Regulation <u>duration combined altogether and on the other hand whether the risk can affect an individual, a plurality of persons or a particular group of persons. Such combination could for instance result in a high severity but low probability to affect a natural person, or a high probability to affect a group of persons with a low intensity over a long period of time, depending on the context.</u> The identification of those systems is based on the same methodology and criteria envisaged also for any future amendments of the list of high-risk AI systems.</p>	<p><u>significant risk to the legal interests protected under those scenarios, taking into account the output produced by the AI system. Therefore only when such output has a high degree of importance (i.e. is not purely accessory) in respect of the relevant action or decision so as to generate a significant risk to the legal interests protected, the AI system generating such output should be considered as high-risk. For instance, when the information provided by an AI systems to the human consists of the profiling of natural persons within the meaning of of Article 4(4) Regulation (EU) 2016/679 and Article 3(4) of Directive (EU) 2016/680 and Article 3(5) of Regulation (EU) 2018/1725, such information should not typically be considered of accessory nature in the context of high risk AI systems as referred to in Annex III. However, if the output of the AI system has only negligible or minor relevance for human action or decision, it may be considered purely accessory, including for example, AI systems used for translation for</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
			<u>informative purposes or for the management of documents.</u>	
Recital 32a				
42a		<u>(32a) Providers whose AI systems fall under one of the areas and use cases listed in Annex III that consider their system does not pose a significant risk of harm to the health, safety, fundamental rights or the environment should inform the national supervisory authorities by submitting a reasoned notification. This could take the form of a one-page summary of the relevant information on the AI system in question, including its intended purpose and why it would not pose a significant risk of harm to the health, safety, fundamental rights or the environment. The Commission should specify criteria to enable companies to assess whether their system would pose such risks, as well as develop an easy to use and standardised template for the notification. Providers should submit the notification as early as possible and in any case prior to the placing of the AI system on</u>		<u>(32a) It is also important to clarify that there may be specific cases in which AI systems referred to in Annex III do not lead to a significant risk to the legal interests protected under those areas. This could be the case if one or more of the following conditions are fulfilled. The first condition should be that the AI system is intended to perform a narrow procedural task of low complexity, such as file classification or labelling, which typically is of such generic nature that it poses only limited risks which are not increased through the use in a context listed in Annex III. The second condition should be that the task performed by the AI system does not replace a human assessment relevant for the purpose of the use case listed in Annex III, but is intended to confirm or improve an accessory factor of such assessment and, hence, only provides an additional layer with</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
		<p><u>the market or its putting into service, ideally at the development stage, and they should be free to place it on the market at any given time after the notification. However, if the authority estimates the AI system in question was misclassified, it should object to the notification within a period of three months. The objection should be substantiated and duly explain why the AI system has been misclassified. The provider should retain the right to appeal by providing further arguments. If after the three months there has been no objection to the notification, national supervisory authorities could still intervene if the AI system presents a risk at national level, as for any other AI system on the market. National supervisory authorities should submit annual reports to the AI Office detailing the notifications received and the decisions taken.</u></p>		<p><u>consequently lowered risk. The third condition should be that the AI system is intended to perform a preparatory task to an assessment relevant for the purpose of the use case listed in Annex III, for which typically the succeeding action steps lower the risks. In any case, AI systems referred to in Annex III should be considered to pose significant risks of harm to the health, safety or fundamental rights of natural persons if the AI system implies profiling within the meaning of Article 4(4) of Regulation (EU) 2016/679 and Article 3(4) of Directive (EU) 2016/680 and Article 3(5) of Regulation 2018/1725. To ensure traceability and transparency, a provider who considers that an AI system referred to in Annex III is not high-risk on the basis of the aforementioned conditions should draw up documentation of the assessment before that system is placed on the market or put into service and should provide this documentation to national competent authorities upon request. Such provider should be obliged to register the system in</u></p>



	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
				<u>the EU database established under this Regulation. With a view to provide further guidance for the practical implementation of the conditions under which AI systems referred to in Annex III are exceptionally not high-risk, the Commission should, after consulting the [AI Board/Office], provide guidelines specifying this practical implementation.</u>
TITLE III				
197	TITLE III HIGH-RISK AI SYSTEMS	TITLE III HIGH-RISK AI SYSTEMS	TITLE III HIGH-RISK AI SYSTEMS	TITLE III HIGH-RISK AI SYSTEMS
Chapter 1				
198	Chapter 1 CLASSIFICATION OF AI SYSTEMS AS HIGH-RISK	Chapter 1 CLASSIFICATION OF AI SYSTEMS AS HIGH-RISK	Chapter 1 CLASSIFICATION OF AI SYSTEMS AS HIGH-RISK	Chapter 1 CLASSIFICATION OF AI SYSTEMS AS HIGH-RISK
Article 6				
199	Article 6 Classification rules for high-risk AI systems	Article 6 Classification rules for high-risk AI systems	Article 6 Classification rules for high-risk AI systems	Article 6 Classification rules for high-risk AI systems
Article 6(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement	
R	200	1. Irrespective of whether an AI system is placed on the market or put into service independently from the products referred to in points (a) and (b), that AI system shall be considered high-risk where both of the following conditions are fulfilled:	1. Irrespective of whether An AI system <u>that is itself a product covered by the Union harmonisation legislation listed in Annex II shall be considered as high risk if it is required to undergo a third-party conformity assessment with a view to the placing on the market or putting into service of that product pursuant to the above mentioned legislation.</u> is placed on the market or put into service independently from the products referred to in points (a) and (b), that AI system shall be considered high-risk where both of the following conditions are fulfilled:	1. Irrespective of whether an AI system is placed on the market or put into service independently from the products referred to in points (a) and (b), that AI system shall be considered high-risk where both of the following conditions are fulfilled:	
Article 6(1), point (a)					
Y	201	(a) the AI system is intended to be used as a safety component of a product, or is itself a product, covered by the Union harmonisation legislation listed in Annex II;	(a) the AI system is intended to be used as a safety component of a product, or <u>the AI system</u> is itself a product, covered by the Union harmonisation legislation <u>law</u> listed in Annex II;	<i>deleted</i>	(a) the AI system is intended to be used as a safety component of a product, or is itself a product, covered by the Union harmonisation legislation listed in Annex II;
Article 6(1), point (b)					
Y	202	(b) the product whose safety	(b) the product whose safety	(b) the product whose safety	

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
	component is the AI system, or the AI system itself as a product, is required to undergo a third-party conformity assessment with a view to the placing on the market or putting into service of that product pursuant to the Union harmonisation legislation listed in Annex II.	component <u>pursuant to point (a)</u> is the AI system, or the AI system itself as a product, is required to undergo a third-party conformity assessment <u>related to risks for health and safety</u> , with a view to the placing on the market or putting into service of that product pursuant to the Union harmonisation legislation <u>law</u> listed in Annex II-;	<i>deleted</i>	component is the AI system, or the AI system itself as a product, is required to undergo a third-party conformity assessment with a view to the placing on the market or putting into service of that product pursuant to the Union harmonisation legislation listed in Annex II.
Article 6(2)				
203	2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in Annex III shall also be considered high-risk.	21a. In addition to the high-risk AI systems referred to in paragraph 1, AI systems <u>falling under one or more of the critical areas and use cases</u> referred to in Annex III shall also be considered high-risk if they pose a significant risk of harm to the health, safety or fundamental rights of natural persons. Where an AI system falls under Annex III point 2, it shall be considered <u>to be high-risk if it poses a significant risk of harm to the environment</u> high-risk .	2. In addition to the high-risk AI systems <u>An AI system intended to be used as a safety component of a product covered by the legislation</u> referred to in paragraph 1, AI systems referred to in Annex III <u>shall be considered as high risk if it is required to undergo a third-party conformity assessment with a view to the placing on the market or putting into service of that product pursuant to above mentioned legislation. This provision</u> shall also be considered high-risk <u>apply irrespective of whether the AI system is placed on the market or put into service independently from the product.</u>	2. In addition to the high-risk AI systems referred to in paragraph 1, AI systems referred to in that pose significant risk of harm to the health, safety or fundamental rights of natural persons <u>pursuant to</u> Annex III shall also be considered high-risk.

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
	Article 6(2), second subparagraph			
R 203a		<p><u>The Commission shall, six months prior to the entry into force of this Regulation, after consulting the AI Office and relevant stakeholders, provide guidelines clearly specifying the circumstances where the output of AI systems referred to in Annex III would pose a significant risk of harm to the health, safety or fundamental rights of natural persons or cases in which it would not.</u></p>		
	Article 6(2a)			
R 203b			<p><u>2a. AI systems referred to in Annex III shall be considered high-risk unless the output of the system is purely accessory in respect of the relevant action or decision to be taken and is not therefore likely to lead to a significant risk to the health, safety or fundamental rights.</u></p> <p><u>In order to ensure uniform conditions for the implementation of this Regulation, the Commission shall, no later than one year after the entry into force</u></p>	<p><u>2a. A provider who considers that an AI system referred to in Annex III is not high-risk in application of the procedure under Annex III shall document its assessment before that system is placed on the market or put into service. Such provider shall be subject to the registration obligation set out in Article 51(2). Upon request of national competent authorities, the provider shall provide the documentation of the assessment.</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
			<u>of this Regulation, adopt implementing acts to specify the circumstances where the output of AI systems referred to in Annex III would be purely accessory in respect of the relevant action or decision to be taken. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74, paragraph 2.</u>	
Article 6(2a new)				
R 203c		<u>2a. Where providers falling under one or more of the critical areas and use cases referred to in Annex III consider that their AI system does not pose a significant risk as described in paragraph 2, they shall submit a reasoned notification to the national supervisory authority that they are not subject to the requirements of Title III Chapter 2 of this Regulation. Where the AI system is intended to be used in two or more Member States, that notification shall be addressed to the AI Office. Without prejudice to Article 65, the national supervisory authority</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
		<u>shall review and reply to the notification, directly or via the AI Office, within three months if they deem the AI system to be misclassified.</u>		
	Article 6(2b new)			
R	203d	<u>2b. Providers that misclassify their AI system as not subject to the requirements of Title III Chapter 2 of this Regulation and place it on the market before the deadline for objection by national supervisory authorities shall be subject to fines pursuant to Article 71.</u>		
	Article 6(2b)			
R	203e	<u>2c. National supervisory authorities shall submit a yearly report to the AI Office detailing the number of notifications received, the related high-risk areas at stake and the decisions taken concerning received notifications</u>		<u>2b. The Commission shall, no later than [...] before the date of application of this Regulation and after consulting the AI [Board/Office], provide guidelines specifying the practical implementation of Annex III.</u>
	Article 7			
G	204			G

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
	Article 7 Amendments to Annex III	Article 7 Amendments to Annex III	Article 7 Amendments to Annex III	Article 7 Amendments to Annex III
	Article 7(1)			
205	1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled:	1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the list in <u>amend</u> Annex III by adding <u>or modifying areas or use-cases of</u> high-risk AI systems where both of the following conditions are fulfilled: these pose a significant risk of harm to health and safety, or an adverse impact on fundamental rights, to the environment, or to democracy and the rule of law, and that risk is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III.	1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update <u>amend</u> the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled:	1. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update <u>amend</u> the list in Annex III by adding high-risk AI systems where both of the following conditions are fulfilled:
	Article 7(1), point (a)			
206	(a) the AI systems are intended to be used in any of the areas listed in points 1 to 8 of Annex III;	<i>deleted</i>	(a) the AI systems are intended to be used in any of the areas listed in points 1 to 8 of Annex III;	(a) the AI systems are intended to be used in any of the areas listed in points 1 to 8 of Annex III;

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
	Article 7(1), point (b)			
R 207	(b) the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III.	<i>deleted</i>	(b) the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III.	(b) the AI systems pose a risk of harm to the health and safety, or a risk of adverse impact on fundamental rights, that is, in respect of its severity and probability of occurrence, equivalent to or greater than the risk of harm or of adverse impact posed by the high-risk AI systems already referred to in Annex III.
	Article 7(1a)			
R 207a		<u>1a. The Commission is also empowered to adopt delegated acts in accordance with Article 73 to remove use-cases of high-risk AI systems from the list in Annex III if the conditions referred to in paragraph 1 no longer apply;</u>		
	Article 7(2)			
R 208	2. When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or	2. When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or	2. When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or	2. When assessing for the purposes of paragraph 1 whether an AI system poses a risk of harm to the health and safety or a risk of adverse impact on fundamental rights that is equivalent to or

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
	greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall take into account the following criteria:	greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III <u>for the purposes of paragraph 1 and 1a</u> the Commission shall take into account the following criteria:	greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall take into account the following criteria:	greater than the risk of harm posed by the high-risk AI systems already referred to in Annex III, the Commission shall take into account the following criteria:
	Article 7(2), point (a)			
G	209	(a) the intended purpose of the AI system;	(a) the intended purpose of the AI system;	(a) the intended purpose of the AI system;
	Article 7(2), point (aa new)			
Y	209a	<u>(aa) the general capabilities and functionalities of the AI system independent of its intended purpose;</u>		
	Article 7(2), point (b)			
G	210	(b) the extent to which an AI system has been used or is likely to be used;	(b) the extent to which an AI system has been used or is likely to be used;	(b) the extent to which an AI system has been used or is likely to be used;
	Article 7(2), point (ba new)			
Y	210a	<u>(ba) the nature and amount of the data processed and used by</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
		<u>the AI system;</u>		
	Article 7(2), point (bb new)			
Y	210b	<u>(bb) the extent to which the AI system acts autonomously;</u>		
	Article 7(2), point (c)			
R	211	(c) the extent to which the use of an AI system has already caused harm to the health and safety or adverse impact on the fundamental rights or has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or documented allegations submitted to national competent authorities;	(c) the extent to which the use of an AI system has already caused harm to the health and safety or adverse impact on the fundamental rights or has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or documented allegations submitted to national competent authorities;	(c) the extent to which the use of an AI system has already caused harm to the health and safety or adverse impact on the fundamental rights or has given rise to significant concerns in relation to the materialisation of such harm or adverse impact, as demonstrated by reports or documented allegations submitted to national competent authorities;
	Article 7(2), point (d)			
Y	212	(d) the potential extent of such	(d) the potential extent of such	(d) the potential extent of such

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
	harm or such adverse impact, in particular in terms of its intensity and its ability to affect a plurality of persons;	harm or such adverse impact, in particular in terms of its intensity and its ability to affect a plurality of persons <u>or to disproportionately affect a particular group of persons</u> ;	harm or such adverse impact, in particular in terms of its intensity and its ability to affect a plurality of persons;	harm or such adverse impact, in particular in terms of its intensity and its ability to affect a plurality of persons;
Article 7(2), point (e)				
213	(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced with an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;	(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome <u>output</u> produced with <u>involving</u> an AI system, <u>and that output is purely accessory in respect of the relevant action or decision to be taken</u> , in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome <u>output</u> ;	(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced with an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;	(e) the extent to which potentially harmed or adversely impacted persons are dependent on the outcome produced with an AI system, in particular because for practical or legal reasons it is not reasonably possible to opt-out from that outcome;
Article 7(2), point (ea new)				
213a		<u>(ea) the potential misuse and malicious use of the AI system and of the technology underpinning it;</u>		
Article 7(2), point (f)				
214				

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
	(f) the extent to which potentially harmed or adversely impacted persons are in a vulnerable position in relation to the user of an AI system, in particular due to an imbalance of power, knowledge, economic or social circumstances, or age;	(f) the extent to which <u>there is an imbalance of power, or the</u> potentially harmed or adversely impacted persons are in a vulnerable position in relation to the user of an AI system, in particular due to an imbalance of power <u>status, authority</u> , knowledge, economic or social circumstances, or age;	(f) the extent to which potentially harmed or adversely impacted persons are in a vulnerable position in relation to the user of an AI system, in particular due to an imbalance of power, knowledge, economic or social circumstances, or age;	(f) the extent to which potentially harmed or adversely impacted persons are in a vulnerable position in relation to the user of an AI system, in particular due to an imbalance of power, knowledge, economic or social circumstances, or age;
	Article 7(2), point (g)			
R	215	(g) the extent to which the outcome produced with an AI system is easily reversible, whereby outcomes having an impact on the health or safety of persons shall not be considered as easily reversible;	(g) the extent to which the outcome produced with <u>involving</u> an AI system is easily reversible <u>or remedied</u> , whereby outcomes having an <u>adverse</u> impact on <u>health, safety, fundamental rights of persons, the environment, or on democracy and rule of law</u> the health or safety of persons shall not be considered as easily reversible;	(g) the extent to which the outcome produced with an AI system is <u>not</u> easily reversible, whereby outcomes having an impact on the health or safety of persons shall not be considered as easily reversible;
	Article 7(2), point (ga)			
Y	215a	<u>(ga) the extent of the availability and use of effective technical solutions and mechanisms for the control, reliability and corrigibility of the AI system;</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
	Article 7(2), point (gb new)			
Y	215b	<i><u>(gb) the magnitude and likelihood of benefit of the deployment of the AI system for individuals, groups, or society at large, including possible improvements in product safety;</u></i>		Y
	Article 7(2), point (gc new)			
Y	215c	<i><u>(gc) the extent of human oversight and the possibility for a human to intercede in order to override a decision or recommendations that may lead to potential harm;</u></i>		Y
	Article 7(2), point (h)			
Y	216	(h) the extent to which existing Union legislation provides for:	(h) the extent to which existing Union legislation provides for:	(h) the extent to which existing Union legislation provides for:
	Article 7(2), point (h)(i)			
Y	217	(i) effective measures of redress in relation to the risks posed by an AI system, with the exclusion of claims for damages;	(i) effective measures of redress in relation to the risks posed by an AI system, with the exclusion of claims for damages;	(i) effective measures of redress in relation to the risks posed by an AI system, with the exclusion of claims for damages;

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
		claims for <u>direct or indirect</u> damages;		
	Article 7(2), point (h)(ii)			
Y	218	(ii) effective measures to prevent or substantially minimise those risks.	(ii) effective measures to prevent or substantially minimise those risks. <u>;</u>	(ii) effective measures to prevent or substantially minimise those risks.
	Article 7(2), point (ha)			
Y	218a		<u>(ha) the magnitude and likelihood of benefit of the AI use for individuals, groups, or society at large.</u>	
	Article 7(2a new)			
Y	218b	<u>2a. When assessing an AI system for the purposes of paragraphs 1 or 1a the Commission shall consult the AI Office and, where relevant, representatives of groups on which an AI system has an impact, industry, independent experts, the social partners, and civil society organisations. The Commission shall also organise public consultations in this regard and shall make the results of those</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
		<u>consultations and of the final assessment publicly available;</u>		
	Article 7(2a)			
218c			<u>2a. The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the list in Annex III by removing high-risk AI systems where both of the following conditions are fulfilled:</u>	<u>2a. The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the list in Annex III by removing high-risk AI systems where both of the following conditions are fulfilled:</u>
	Article 7(2a), point (a)			
218d			<u>(a) the high-risk AI system(s) concerned no longer pose any significant risks to fundamental rights, health or safety, taking into account the criteria listed in paragraph 2;</u>	<u>(a) the high-risk AI system(s) concerned no longer pose any significant risks to fundamental rights, health or safety, taking into account the criteria listed in paragraph 2;</u>
	Article 7(2a), point (b)			
218e			<u>(b) the deletion does not decrease the overall level of protection of health, safety and fundamental rights under Union law.</u>	<u>(b) the deletion does not decrease the overall level of protection of health, safety and fundamental rights under Union law.</u>
	Article 7(2b)			

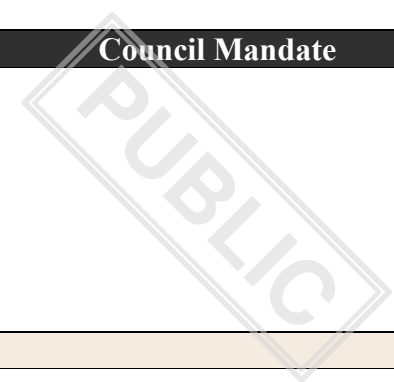
	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
Y	218f	<u>2b. The AI Office, national supervisory authorities or the European Parliament may request the Commission to reassess and recategorise the risk categorisation of an AI system in accordance with paragraphs 1 and 1a. The Commission shall give reasons for its decision and make them public.</u>		<u>2b. The Commission is empowered to adopt delegated acts in accordance with Article 73 to update the conditions referred to in sub-paragraph 2 of Annex III.</u>
	Article 51			
G	509	Article 51 Registration	Article 51 <u>Registration of relevant operators and of high-risk AI systems listed in Annex III</u> Registration	
	Article 51, first paragraph			
Y	510	Before placing on the market or putting into service a high-risk AI system referred to in Article 6(2), the provider or, where applicable, the authorised representative shall register that system in the EU database referred to in Article 60.	Before placing on the market or putting into service a high-risk AI system <u>listed in Annex III with the exception of high-risk AI systems</u> referred to in Article 6(2) <u>Annex III, points 1, 6 and 7 in the areas of law enforcement, migration, asylum and border control management, and high risk AI systems referred to in Annex III point 2</u> , the provider	Before placing on the market or putting into service a high-risk AI system <u>listed in Annex III [with the exception of high-risk AI systems referred to in Annex III, points 1, 6 and 7 in the areas of law enforcement, migration, asylum and border control management, and high risk AI systems referred to in Annex III point 2], the provider or, where</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
			<p>or <u>and</u> where applicable, the authorised representative shall register that system <u>themselves</u> in the EU database referred to in Article 60. <u>The provider or, where applicable the authorised representative, shall also register their systems in that database.</u></p>	<p><u>applicable, the authorised representative shall register that system in the EU database</u> referred to in Article 6(2) <u>60</u>.</p> <p><u>Before placing on the market or putting into service an AI system for which the provider has concluded that it is not high-risk in application of the procedure under Annex III</u>, the provider or, where applicable, the authorised representative shall register that system in the EU database referred to in Article 60, <u>except if such AI systems is a system referred to in Annex III, points 1, 2, 6 or 7</u>.</p>
Article 65a				
631b				<p><u>Article 65a</u> <u>Procedure for dealing with AI systems classified by the provider as a not high-risk in application of Annex III</u></p>
Article 65a(1)				
631c				<p><u>1. Where a market surveillance authority has sufficient reasons to consider that an AI system classified by the provider as non</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
				<u>high-risk in application of Annex III is high-risk, they market surveillance authority shall carry out an evaluation of the AI system concerned in respect of its classification as a high-risk AI system based on the conditions set out in Annex III and the Commission guidelines.</u>
Article 65a(2)				
631d				<u>2. Where, in the course of that evaluation, the market surveillance authority finds that the AI system concerned is high-risk, it shall without undue delay require the relevant provider to take all necessary actions to bring the AI system into compliance with the requirements and obligations laid down in this Regulation as well as take appropriate corrective action within a period it may prescribe.</u>
Article 65a(3)				
631e				<u>3. Where the market surveillance authority considers that the use of the AI system concerned is not restricted to its national territory,</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
				<u>it shall inform the Commission and the other Member States without undue delay of the results of the evaluation and of the actions which it has required the provider to take.</u>
Article 65a(4)				
631f				<u>4. The provider shall ensure that all necessary action is taken to bring the AI system into compliance with the requirements and obligations laid down in this Regulation. Where the provider of an AI system concerned does not bring the AI system into compliance with the requirements and obligations of this Regulation within the period referred to in paragraph 2, the provider shall be subject to fines in accordance with Article 71.</u>
Article 65a(5)				
631g				<u>5. The provider shall ensure that all appropriate corrective action is taken in respect of all the AI systems concerned that it has made available on the market throughout the Union.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
Article 65a(6)				
631h				<u>6. Where the provider of the AI system concerned does not take adequate corrective action within the period referred to in paragraph 2, then the provisions of Article 65 paragraphs 5 to 9 apply.</u>
Article 65a(7)				
631i				<u>7. Where, in the course of that evaluation pursuant to paragraph 1, the market surveillance authority establishes that the AI system was misclassified by the provider as not high-risk to circumvent the application of requirements in Title III, Chapter 2, the provider shall be subject to fines in accordance with Article 71.</u>
Article 65a(8)				
631j				<u>8. In exercising their power to monitor the application of this article and in accordance with Article 11 of Regulation (EU)</u>



	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
				<u>2019/1020, market surveillance authorities may perform appropriate checks, taking into account in particular information stored in the EU database referred to in Article 60.</u>
Article 84				
G 759	Article 84 Evaluation and review	Article 84 Evaluation and review	Article 84 Evaluation and review	Article 84 Evaluation and review
Article 84(1)				
R 760	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. <u>After consulting the AI Office,</u> the Commission shall assess the need for amendment of the list in Annex III, <u>including the extension of existing area headings or addition of new area headings in that Annex, the list of prohibited AI practices in Article 5, and the list of AI systems requiring additional transparency measures in Article 52</u> once a year following the entry into force of this Regulation <u>and following a recommendation of the Office.</u> <u>The Commission shall submit the findings of that assessment to the European Parliament and the Council.</u>	1. The Commission shall assess the need for amendment of the list in Annex III once a year <u>every 24 months</u> following the entry into force of this Regulation <u>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.</u>	1. <u>1. [After consulting the AI Office],</u> the Commission shall assess the need for amendment of the list in <u>subparagraph 1 of Annex III and the conditions in subparagraph 2 of Annex III,</u> once a year following the entry into force of this Regulation. <u>The Commission shall submit the findings of that assessment to the European Parliament and the Council.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
	Annex III, subparagraph 2			
837b				<p><u>AI systems referred to in the previous sub-paragraph do not pose a significant risk of harm to the health, safety or fundamental rights of natural persons, if one or more of the following conditions are fulfilled</u></p> <p><u>(a) the AI system is intended to perform a narrow procedural task of low complexity;</u></p> <p><u>(b) the use of the AI system does not replace a human assessment relevant for the purpose of the use case listed above, but is intended to confirm or improve an accessory factor of such assessment; or</u></p> <p><u>(c) the AI system is intended to perform a preparatory task to an assessment relevant for the purpose of the use case listed above.</u></p> <p><u>Regardless of the above, an AI system referred to in subparagraph 1 shall always be considered to pose a significant risk of harm to the health, safety or fundamental rights of natural persons if the AI system performs profiling of natural persons.</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
Annex VIII				
928e				<p><u>ANNEX VIII Section D</u></p> <p><u>The following information shall be provided and thereafter kept up to date with regard to AI systems to be registered in accordance with Article 51(2).</u></p> <p><u>1. Name, address and contact details of the provider;</u></p> <p><u>2. Where submission of information is carried out by another person on behalf of the provider, the name, address and contact details of that person;</u></p> <p><u>3. Name, address and contact details of the authorised representative, where applicable;</u></p> <p><u>4. AI system trade name and any additional unambiguous reference allowing identification and traceability of the AI system;</u></p> <p><u>5. Description of the intended purpose of the AI system;</u></p> <p><u>6. Based on which condition provided in Annex III the AI system is classified as not high-risk;</u></p> <p><u>Short summary of the grounds for classifying the AI system as</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
				<u><i>not high-risk in application of the procedure under Annex III;</i></u>

B. List of high risk AI use cases (Annex III)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex III				
807	Annex III HIGH-RISK AI SYSTEMS REFERRED TO IN ARTICLE 6(2)	Annex III HIGH-RISK AI SYSTEMS REFERRED TO IN ARTICLE 6(2)	Annex III HIGH-RISK AI SYSTEMS REFERRED TO IN ARTICLE 6(2) 6(3)	Annex III HIGH-RISK AI SYSTEMS REFERRED TO IN ARTICLE 6(2) Text Origin: EP Mandate
Annex III, first paragraph				
808	High-risk AI systems pursuant to Article 6(2) are the AI systems listed in any of the following areas:	<u>The AI systems specifically referred to in under points 1 to 8a stand for critical use cases and are each considered to be</u> high-risk AI systems pursuant to Article 6(2). <u>provided that they fulfil the criteria set out in that Article</u> are the AI systems listed in any of the following areas:	High-risk <u>In each of the areas listed under points 1-8, the</u> AI systems pursuant to Article 6(2) are the AI systems listed in any of the following areas <u>specifically mentioned under each letter are considered to be high-risk AI systems pursuant to Article 6(3):</u>	High-risk AI systems pursuant to Article 6(2) are the AI systems listed in any of the following areas: Text Origin: Commission Proposal
Annex III, second paragraph				
809	1. Biometric identification and categorisation of natural persons:	1. Biometric identification and categorisation of natural persons <u>and biometrics-based systems</u>	1. Biometric identification and categorisation of natural persons <u>Biometrics:</u>	
Annex III, second paragraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
R	810	(a) AI systems intended to be used for the 'real-time' and 'post' remote biometric identification of natural persons;	(a) AI systems intended to be used for the 'real-time' and 'post' remote biometric identification of natural persons biometric identification of natural persons, with the exception of those mentioned in Article 5;	(a) AI systems intended to be used for the 'real-time' and 'post' remote biometric identification of natural persons systems.
	Annex III, first paragraph, point (aa)			
R	810a	(aa) <u>AI systems intended to be used to make inferences about personal characteristics of natural persons on the basis of biometric or biometrics-based data, including emotion recognition systems, with the exception of those mentioned in Article 5; Point 1 shall not include AI systems intended to be used for biometric verification whose sole purpose is to confirm that a specific natural person is the person he or she claims to be.</u>		
	Annex III, third paragraph			
G	811	2. Management and operation of critical infrastructure:	2. Management and operation of Critical infrastructure:	2. Management and operation of Critical infrastructure: Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex III, third paragraph, point (a)			
812	(a) AI systems intended to be used as safety components in the management and operation of road traffic and the supply of water, gas, heating and electricity.	(a) AI systems intended to be used as safety components in the management and operation of road, <u><i>rail and air traffic unless they are regulated in harmonisation or sectoral law</i></u> traffic and the supply of water, gas, heating and electricity.	(a) AI systems intended to be used as safety components in the management and operation of <u><i>critical digital infrastructure</i></u> , road traffic and the supply of water, gas, heating and electricity.	(a) AI systems intended to be used as safety components in the management and operation of <u><i>critical digital infrastructure</i></u> , road traffic and the supply of water, gas, heating and electricity.
	Annex III, first paragraph, point 2 - point (aa)			
812a		<u><i>(aa) AI systems intended to be used as safety components in the management and operation of the supply of water, gas, heating, electricity and critical digital infrastructure;</i></u>		
	Annex III, fourth paragraph			
813	3. Education and vocational training:	3. Education and vocational training:	3. Education and vocational training:	3. Education and vocational training: Text Origin: Commission Proposal
	Annex III, fourth paragraph, point (a)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
814	(a) AI systems intended to be used for the purpose of determining access or assigning natural persons to educational and vocational training institutions;	(a) AI systems intended to be used for the purpose of determining access or <u>materially influence decisions on admission or</u> assigning natural persons to educational and vocational training institutions;	(a) AI systems intended to be used for the purpose of determining access or assigning to determine <u>access, admission or to assign</u> natural persons to educational and vocational training institutions <u>or programmes at all levels</u> ;	(a) AI systems intended to be used for the purpose of determining access or assigning to determine <u>access or admission or to assign</u> natural persons to educational and vocational training institutions <u>or programmes at all levels</u> ; Text Origin: Council Mandate
Annex III, fourth paragraph, point (b)				
815	(b) AI systems intended to be used for the purpose of assessing students in educational and vocational training institutions and for assessing participants in tests commonly required for admission to educational institutions.	(b) AI systems intended to be used for the purpose of assessing students in educational and vocational training institutions and for assessing participants in tests commonly required for admission to educational <u>those</u> institutions.;	(b) AI systems intended to be used for the purpose of assessing students in educational and vocational training institutions and for assessing participants in tests commonly required for admission to educational institutions <u>to evaluate learning outcomes, including when those outcomes are used to steer the learning process of natural persons in educational and vocational training institutions or programmes at all levels.</u>	(b) AI systems intended to be used for the purpose of assessing students in educational and vocational training institutions and for assessing participants in tests commonly required for admission to educational institutions <u>to evaluate learning outcomes, including when those outcomes are used to steer the learning process of natural persons in educational and vocational training institutions or programmes at all levels.</u> Text Origin: Council Mandate
Annex III, fourth paragraph, point (ba)				
815a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>(ba) AI systems intended to be used for the purpose of assessing the appropriate level of education for an individual and materially influencing the level of education and vocational training that individual will receive or will be able to access;</u>		<u>(ba) AI systems intended to be used for the purpose of assessing the appropriate level of education for an individual and materially influencing the level of education and vocational training that individual will receive or will be able to access, in the context of/within education and vocational training institution;</u> Text Origin: EP Mandate
Annex III, fourth paragraph, point (bb)				
815b		<u>(bb) AI systems intended to be used for monitoring and detecting prohibited behaviour of students during tests in the context of/within education and vocational training institutions;</u>		<u>(bb) AI systems intended to be used for monitoring and detecting prohibited behaviour of students during tests in the context of/within education and vocational training institutions;</u> Text Origin: EP Mandate
Annex III, fifth paragraph				
816	4. Employment, workers management and access to self-employment:	4. Employment, workers management and access to self-employment:	4. Employment, workers management and access to self-employment:	4. Employment, workers management and access to self-employment: Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex III, fifth paragraph, point (a)			
817	(a) AI systems intended to be used for recruitment or selection of natural persons, notably for advertising vacancies, screening or filtering applications, evaluating candidates in the course of interviews or tests;	(a) AI systems intended to be used for recruitment or selection of natural persons, notably for advertising vacancies, <u>placing targeted job advertisements</u> screening or filtering applications, evaluating candidates in the course of interviews or tests;	(a) AI systems intended to be used for recruitment or selection of natural persons, notably for advertising vacancies, screening or filtering applications, evaluating candidates in the course of interviews or tests <u>to place targeted job advertisements, to analyse and filter job applications, and to evaluate candidates;</u>	(a) AI systems intended to be used for recruitment or selection of natural persons, notably for advertising vacancies, <u>placing targeted job advertisements</u> screening or filtering applications, evaluating candidates in the course of interviews or tests; Text Origin: EP Mandate
	Annex III, fifth paragraph, point (b)			
818	(b) AI intended to be used for making decisions on promotion and termination of work-related contractual relationships, for task allocation and for monitoring and evaluating performance and behavior of persons in such relationships.	(b) AI <u>systems</u> intended to be used for making <u>to make or materially influence</u> decisions on <u>affecting the initiation,</u> promotion and termination of work-related contractual relationships, for task allocation and <u>based on individual behaviour or personal traits or characteristics, or</u> for monitoring and evaluating performance and behavior of persons in such relationships.;	(b) AI intended to be used for making <u>to make</u> decisions on promotion and termination of work-related contractual relationships, for task allocation and for monitoring and evaluating <u>to allocate tasks based on individual behavior or personal traits or characteristics and to monitor and evaluate</u> performance and behavior of persons in such relationships.	(b) AI intended to be used for making <u>to make</u> decisions on <u>affecting terms of the work related relationships,</u> promotion and termination of work-related contractual relationships, for task allocation and for monitoring and evaluating <u>to allocate tasks based on individual behavior or personal traits or characteristics and to monitor and evaluate</u> performance and behavior of persons in such relationships.
	Annex III, sixth paragraph			
819				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	5. Access to and enjoyment of essential private services and public services and benefits:	5. Access to and enjoyment of essential private services and public services and benefits:	5. Access to and enjoyment of essential private services and <u>essential</u> public services and benefits:	5. Access to and enjoyment of essential private services and <u>essential</u> public services and benefits: Text Origin: Council Mandate
Annex III, sixth paragraph, point (a)				
G 820	(a) AI systems intended to be used by public authorities or on behalf of public authorities to evaluate the eligibility of natural persons for public assistance benefits and services, as well as to grant, reduce, revoke, or reclaim such benefits and services;	(a) AI systems intended to be used by public authorities or on behalf of public authorities to evaluate the eligibility of natural persons for public assistance benefits and services, <u>including healthcare services and essential services, including but not limited to housing, electricity, heating/cooling and internet</u> , as well as to grant, reduce, revoke, <u>increase</u> or reclaim such benefits and services;	(a) AI systems intended to be used by public authorities or on behalf of public authorities to evaluate the eligibility of natural persons for <u>essential</u> public assistance benefits and services, as well as to grant, reduce, revoke, or reclaim such benefits and services;	(a) AI systems intended to be used by public authorities or on behalf of public authorities to evaluate the eligibility of natural persons for <u>essential</u> public assistance benefits and <u>services, including healthcare</u> services, as well as to grant, reduce, revoke, or reclaim such benefits and services;
Annex III, sixth paragraph, point (b)				
Y 821	(b) AI systems intended to be used to evaluate the creditworthiness of natural persons or establish their credit score, with the exception of AI systems put into service by small scale providers for their own use;	(b) AI systems intended to be used to evaluate the creditworthiness of natural persons or establish their credit score, with the exception of AI systems put into service by small scale providers for their own use <u>used for the purpose of</u>	(b) AI systems intended to be used to evaluate the creditworthiness of natural persons or establish their credit score, with the exception of AI systems put into service by small scale providers <u>by providers that are micro and small-sized</u>	(b) AI systems intended to be used to evaluate the creditworthiness of natural persons or establish their credit score, with the exception of AI systems put into service by small scale providers for their own use <u>used for the purpose of</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>detecting financial fraud;</u>	<u>enterprises as defined in the Annex of Commission Recommendation 2003/361/EC</u> for their own use;	<u>detecting financial fraud;</u> Text Origin: EP Mandate
	Annex III, sixth paragraph, point (ba)			
G	821a	<u>(ba) AI systems intended to be used for making decisions or materially influencing decisions on the eligibility of natural persons for health and life insurance;</u>		
	Annex III, sixth paragraph, point (c)			
G	822	(c) AI systems intended to be used to dispatch, or to establish priority in the dispatching of emergency first response services, including by firefighters and medical aid.	(c) AI systems intended to <u>evaluate and classify emergency calls by natural persons or to</u> be used to dispatch, or to establish priority in the dispatching of emergency first response services, including by <u>police and law enforcement</u> , firefighters and medical aid-; <u>as well as of emergency healthcare patient triage systems;</u>	(c) AI systems intended to <u>evaluate and classify emergency calls by natural persons or to</u> be used to dispatch, or to establish priority in the dispatching of emergency first response services, including by <u>police</u> , firefighters and medical aid-; <u>as well as of emergency healthcare patient triage systems;</u> Text Origin: EP Mandate
	Annex III, sixth paragraph, point (ca)			
Y	822a			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>(ca) AI systems intended to be used for risk assessment and pricing in relation to natural persons in the case of life and health insurance with the exception of AI systems put into service by providers that are micro and small-sized enterprises as defined in the Annex of Commission Recommendation 2003/361/EC for their own use.</u>	<u>(ca) AI systems intended to be used for risk assessment and pricing in relation to natural persons in the case of life and health insurance.</u> Text Origin: Council Mandate
	Annex III, seventh paragraph			
G	823 6. Law enforcement:	6. Law enforcement:	6. Law enforcement:	6. Law enforcement: Text Origin: Commission Proposal
	Annex III, seventh paragraph, point (a)			
R	824 (a) AI systems intended to be used by law enforcement authorities for making individual risk assessments of natural persons in order to assess the risk of a natural person for offending or reoffending or the risk for potential victims of criminal offences;	<i>deleted</i>	(a) AI systems intended to be used by law enforcement authorities for making individual risk assessments of natural persons in order <u>or on their behalf</u> to assess the risk of a natural person for offending or reoffending or the risk for <u>a natural person to become a</u> potential victims <u>victim</u> of criminal offences;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex III, seventh paragraph, point (b)			
R	825	(b) AI systems intended to be used by law enforcement authorities as polygraphs and similar tools or to detect the emotional state of a natural person;	(b) AI systems intended to be used by law enforcement authorities as polygraphs and similar tools, <u>or on behalf of law enforcement authorities, or by Union agencies, offices or bodies in support of</u> law enforcement authorities as polygraphs and similar tools, <u>insofar as their use is permitted under relevant Union and national law</u> or to detect the emotional state of a natural person;	(b) AI systems intended to be used by law enforcement authorities <u>or on their behalf</u> as polygraphs and similar tools or to detect the emotional state of a natural person;
	Annex III, seventh paragraph, point (c)			
G	826	(c) AI systems intended to be used by law enforcement authorities to detect deep fakes as referred to in article 52(3);	deleted	(c) AI systems intended to be used by law enforcement authorities to detect deep fakes as referred to in article 52(3); <u>deleted</u>
	Annex III, seventh paragraph, point (d)			
G	827	(d) AI systems intended to be used by law enforcement authorities for evaluation of the reliability of evidence in the course of investigation or prosecution of criminal offences;	(d) AI systems intended to be used by law enforcement authorities for <u>or on behalf of</u> law enforcement authorities, <u>or by Union agencies, offices or bodies in support of law enforcement authorities to evaluate</u> for <u>evaluation of</u> the reliability of evidence in the course of	(d) AI systems intended to be used by <u>or on behalf of</u> law enforcement authorities, <u>or by Union agencies, offices or bodies in support of law enforcement authorities to evaluate</u> for <u>evaluation of</u> the reliability of evidence in the course of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		investigation or prosecution of criminal offences;		investigation or prosecution of criminal offences; <small>Text Origin: EP Mandate</small>
Annex III, seventh paragraph, point (e)				
828	(e) AI systems intended to be used by law enforcement authorities for predicting the occurrence or reoccurrence of an actual or potential criminal offence based on profiling of natural persons as referred to in Article 3(4) of Directive (EU) 2016/680 or assessing personality traits and characteristics or past criminal behaviour of natural persons or groups;	<i>deleted</i>	(e) AI systems intended to be used by law enforcement authorities for predicting the <u>or on their behalf to predict the</u> occurrence or reoccurrence of an actual or potential criminal offence based on profiling of natural persons as referred to in Article 3(4) of Directive (EU) 2016/680 or assessing <u>to assess</u> personality traits and characteristics or past criminal behaviour of natural persons or groups;	
Annex III, seventh paragraph, point (f)				
829	(f) AI systems intended to be used by law enforcement authorities for profiling of natural persons as referred to in Article 3(4) of Directive (EU) 2016/680 in the course of detection, investigation or prosecution of criminal offences;	(f) AI systems intended to be used by <u>or on behalf of law enforcement authorities or by Union agencies, offices or bodies in support of</u> law enforcement authorities for profiling of natural persons as referred to in Article 3(4) of Directive (EU) 2016/680 in the course of detection,	(f) AI systems intended to be used by law enforcement authorities for profiling of <u>or on their behalf to profile</u> natural persons as referred to in Article 3(4) of Directive (EU) 2016/680 in the course of detection, investigation or prosecution of criminal offences;	(f) AI systems intended to be used by <u>or on behalf of law enforcement authorities or by Union agencies, offices or bodies in support of</u> law enforcement authorities for profiling of natural persons as referred to in Article 3(4) of Directive (EU) 2016/680 in the course of detection,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		investigation or prosecution of criminal offences <u>or, in the case of Union agencies, offices or bodies, as referred to in Article 3(5) of Regulation (EU) 2018/1725</u> ;		investigation or prosecution of criminal offences <u>or, in the case of Union agencies, offices or bodies, as referred to in Article 3(5) of Regulation (EU) 2018/1725</u> ; Text Origin: EP Mandate
Annex III, seventh paragraph, point (g)				
R 830	(g) AI systems intended to be used for crime analytics regarding natural persons, allowing law enforcement authorities to search complex related and unrelated large data sets available in different data sources or in different data formats in order to identify unknown patterns or discover hidden relationships in the data.	(g) AI systems intended to be used <u>by or on behalf of law enforcement authorities or by Union agencies, offices or bodies in support of law enforcement authorities</u> for crime analytics regarding natural persons, allowing law enforcement authorities to search complex related and unrelated large data sets available in different data sources or in different data formats in order to identify unknown patterns or discover hidden relationships in the data.	deleted	
Annex III, eighth paragraph				
G 831	7. Migration, asylum and border control management:	7. Migration, asylum and border control management:	7. Migration, asylum and border control management:	7. Migration, asylum and border control management: Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex III, eighth paragraph, point (a)			
R	832	(a) AI systems intended to be used by competent public authorities as polygraphs and similar tools or to detect the emotional state of a natural person;	(a) AI systems intended to be used by <u>or on behalf of</u> competent public authorities <u>or by Union agencies, offices or bodies</u> as polygraphs and similar tools or to detect the emotional state of a natural person; <u>insofar as their use is permitted under relevant Union or national law</u>	(a) AI systems intended to be used by competent public authorities <u>or on their behalf</u> as polygraphs and similar tools or to detect the emotional state of a natural person;
	Annex III, eighth paragraph, point (b)			
G	833	(b) AI systems intended to be used by competent public authorities to assess a risk, including a security risk, a risk of irregular immigration, or a health risk, posed by a natural person who intends to enter or has entered into the territory of a Member State;	(b) AI systems intended to be used by <u>or on behalf of</u> competent public authorities <u>or by Union agencies, offices or bodies</u> to assess a risk, including a security risk, a risk of irregular immigration, or a health risk, posed by a natural person who intends to enter or has entered into the territory of a Member State;	(b) AI systems intended to be used by <u>or on behalf of</u> competent public authorities <u>or by Union agencies, offices or bodies</u> to assess a risk, including a security risk, a risk of irregular immigration <u>migration</u> , or a health risk, posed by a natural person who intends to enter or has entered into the territory of a Member State; Text Origin: EP Mandate
	Annex III, eighth paragraph, point (c)			
R	834			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(c) AI systems intended to be used by competent public authorities for the verification of the authenticity of travel documents and supporting documentation of natural persons and detect non-authentic documents by checking their security features;	(c) AI systems intended to be used by <u>or on behalf of</u> competent public authorities <u>or by Union agencies, offices or bodies</u> for the verification of the authenticity of travel documents and supporting documentation of natural persons and detect non-authentic documents by checking their security features;	deleted	
Annex III, eighth paragraph, point (d)				
835	(d) AI systems intended to assist competent public authorities for the examination of applications for asylum, visa and residence permits and associated complaints with regard to the eligibility of the natural persons applying for a status.	(d) AI systems intended to <u>be used by or on behalf of competent public authorities or by Union agencies, offices or bodies to</u> assist competent public authorities for the examination <u>and assessment of the veracity of evidence in relation to</u> of applications for asylum, visa and residence permits and associated complaints with regard to the eligibility of the natural persons applying for a status-;	(d) AI systems intended to assist <u>be used by</u> competent public authorities for the examination of <u>on their behalf to examine</u> applications for asylum, visa and residence permits and associated complaints with regard to the eligibility of the natural persons applying for a status.	(d) AI systems intended to <u>be used by or on behalf of competent public authorities or by Union agencies, offices or bodies to</u> assist competent public authorities for the examination <u>and assessment of the reliability of evidence in relation to</u> of applications for asylum, visa and residence permits and associated complaints with regard to the eligibility of the natural persons applying for a status-; Text Origin: EP Mandate
Annex III, eighth paragraph, point (da)				
835a		<u>(da) AI systems intended to be used by or on behalf of competent</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>public authorities or by Union agencies, offices or bodies in migration, asylum and border control management to monitor, surveil or process data in the context of border management activities, for the purpose of detecting, recognising or identifying natural persons;</u>		
	Annex III, eighth paragraph, point (db)			
R	835b	<u>(db) AI systems intended to be used by or on behalf of competent public authorities or by Union agencies, offices or bodies in migration, asylum and border control management for the forecasting or prediction of trends related to migration movement and border crossing;</u>		
	Annex III, ninth paragraph, point (a)			
Y	837	(a) AI systems intended to <u>be used by a judicial authority or administrative body or on their behalf to</u> assist a judicial authority <u>or administrative body</u> in researching and interpreting facts and the law and in applying the law to a concrete set of facts <u>or used in</u>	(a) AI systems intended to assist <u>be used by</u> a judicial authority in researching and interpreting or on their behalf to interpret facts and/or the law and in applying to <u>apply</u> the law to a concrete set of facts.	(a) AI systems intended to <u>be used by a judicial authority or on their behalf to</u> assist a judicial authority in researching and interpreting facts and the law and in applying the law to a concrete set of facts <u>or used in a similar way in alternative dispute resolution.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>a similar way in alternative dispute resolution.</i></u>		Text Origin: EP Mandate
	Annex III, ninth paragraph, point (aa)			
G	837a	<u><i>(aa) AI systems intended to be used for influencing the outcome of an election or referendum or the voting behaviour of natural persons in the exercise of their vote in elections or referenda. This does not include AI systems whose output natural persons are not directly exposed to, such as tools used to organise, optimise and structure political campaigns from an administrative and logistic point of view.</i></u>		<u><i>(aa) AI systems intended to be used for influencing the outcome of an election or referendum or the voting behaviour of natural persons in the exercise of their vote in elections or referenda. This does not include AI systems whose output natural persons are not directly exposed to, such as tools used to organise, optimise and structure political campaigns from an administrative and logistic point of view.</i></u>
	Annex III, ninth paragraph, point (ab)			
R	837b	<u><i>(ab) AI systems intended to be used by social media platforms that have been designated as very large online platforms within the meaning of Article 33 of Regulation EU 2022/2065, in their recommender systems to recommend to the recipient of the service user-generated content available on the platform.</i></u>		

C. Subject matter and scope (Recitals 1 and 1a, Articles 1 and 2)

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
Recital 1				
11	<p>(1) The purpose of this Regulation is to improve the functioning of the internal market by laying down a uniform legal framework in particular for the development, marketing and use of artificial intelligence in conformity with Union values. This Regulation pursues a number of overriding reasons of public interest, such as a high level of protection of health, safety and fundamental rights, and it ensures the free movement of AI-based goods and services cross-border, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems, unless explicitly authorised by this Regulation.</p>	<p>(1) The purpose of this Regulation is to improve the functioning of the internal market by laying down a uniform legal framework in particular for the development, marketing and use <u>promote the uptake of human centric and trustworthy artificial intelligence and to ensure a high level of protection of health, safety, fundamental rights, democracy and rule of law and the environment from harmful effects</u> of artificial intelligence <u>systems in the Union while supporting innovation and improving the functioning of the internal market</u> in conformity with Union values. This Regulation pursues a number of overriding reasons of public interest, such as a high level of protection of health, safety and fundamental rights, and it <u>lays down a uniform legal framework in particular for the development, the placing on the market, the putting into service and the use of artificial intelligence in</u></p>	<p>(1) The purpose of this Regulation is to improve the functioning of the internal market by laying down a uniform legal framework in particular for the development, marketing and use of artificial intelligence in conformity with Union values. This Regulation pursues a number of overriding reasons of public interest, such as a high level of protection of health, safety and fundamental rights, and it ensures the free movement of AI-based goods and services cross-border, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems, unless explicitly authorised by this Regulation.</p>	<p>(1) The purpose of this Regulation is to improve the functioning of the internal market by laying down a uniform legal framework in particular for the development, marketing and use <u>and to promote the uptake of human centric and trustworthy artificial intelligence, while ensuring a high level of protection of health, safety, fundamental rights enshrined in the Charter, including democracy and rule of law, against harmful effects</u> of artificial intelligence systems in the <u>in conformity with Union values and supporting innovation</u>. This Regulation pursues a number of overriding reasons of public interest, such as a high level of protection of health, safety and fundamental rights, and it <u>lays down a uniform legal framework in particular for the development, the placing on the market, the putting into service and the use of artificial intelligence in conformity with Union values and</u> ensures the free</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
		<u>conformity with Union values and</u> ensures the free movement of AI-based goods and services cross-border, thus preventing Member States from imposing restrictions on the development, marketing and use of <u>Artificial Intelligence systems (AI systems)</u> , unless explicitly authorised by this Regulation. <u>Certain AI systems can also have an impact on democracy and rule of law and the environment. These concerns are specifically addressed in the critical sectors and use cases listed in the annexes to this Regulation.</u>		movement of AI-based goods and services cross-border, thus preventing Member States from imposing restrictions on the development, marketing and use of <u>Artificial Intelligence systems (AI systems)</u> , unless explicitly authorised by this Regulation. <u>Certain AI systems can also have an impact on democracy and rule of law. [These concerns are specifically addressed in the critical sectors and use cases listed in the annexes to this Regulation.]</u>
Recital 1a				
11a		<u>(1a) This Regulation should preserve the values of the Union facilitating the distribution of artificial intelligence benefits across society, protecting individuals, companies, democracy and rule of law and the environment from risks while boosting innovation and employment and making the Union a leader in the field</u>		<u>(1a) This Regulation should preserve the values of the Union facilitating the distribution of artificial intelligence benefits across society, protecting individuals, companies, democracy and rule of law from risks while boosting innovation and employment and making the Union a leader in the field.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement	
	Article 1				
G	102	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter	G
	Article 1, first paragraph -a				
R	102a	<u>The purpose of this Regulation is to promote the uptake of human-centric and trustworthy artificial intelligence and to ensure a high level of protection of health, safety, fundamental rights, democracy and the rule of law, and the environment from harmful effects of artificial intelligence systems in the Union while supporting innovation;</u>		<u>The purpose of this Regulation is to improve the functioning of the internal market and to promote the uptake of human centric and trustworthy artificial intelligence, while ensuring a high level of protection of health, safety, fundamental rights enshrined in the Charter, including democracy, rule of law and sustainability against harmful effects of artificial intelligence systems in the Union and supporting innovation.</u>	R
	Article 1, first paragraph				
G	103	This Regulation lays down:	This Regulation lays down:	This Regulation lays down:	G
	Article 1, first paragraph, point (a)				
G	104	(a) harmonised rules for the placing on the market, the putting into service and the use of	(a) harmonised rules for the placing on the market, the putting into service and the use of	(a) harmonised rules for the placing on the market, the putting into service and the use of	G

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
	artificial intelligence systems ('AI systems') in the Union;	artificial intelligence systems ('AI systems') in the Union;	artificial intelligence systems ('AI systems') in the Union;	artificial intelligence systems ('AI systems') in the Union;
	Article 1, first paragraph, point (b)			
G	105	(b) prohibitions of certain artificial intelligence practices;	(b) prohibitions of certain artificial intelligence practices;	(b) prohibitions of certain artificial intelligence practices;
	Article 1, first paragraph, point (c)			
G	106	(c) specific requirements for high-risk AI systems and obligations for operators of such systems;	(c) specific requirements for high-risk AI systems and obligations for operators of such systems;	(c) specific requirements for high-risk AI systems and obligations for operators of such systems;
	Article 1, first paragraph, point (d)			
G	107	(d) harmonised transparency rules for AI systems intended to interact with natural persons, emotion recognition systems and biometric categorisation systems, and AI systems used to generate or manipulate image, audio or video content;	(d) harmonised transparency rules for AI systems intended to interact with natural persons, emotion recognition systems and biometric categorisation systems, and <u>certain</u> AI systems used to generate or manipulate image, audio or video content;	(d) harmonised transparency rules for AI systems intended to interact with natural persons, emotion recognition systems and biometric categorisation systems, and <u>certain</u> AI systems used to generate or manipulate image, audio or video content;
	Article 1, first paragraph, point (e)			
Y	108	(e) rules on market monitoring and surveillance.	(e) rules on market monitoring. <u>market surveillance governance and enforcement;</u> and	(e) rules on market monitoring. <u>market surveillance governance and enforcement;</u> and

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
		surveillance.		surveillance.
	Article 1, first paragraph, point (ea)			
Y	108a		<u>(ea) measures in support of innovation.</u>	<u>(ea) measures in support of innovation, with a particular focus on SMEs and start-ups.</u>
	Article 1, first paragraph a, point (ea new)			
Y	108b	<u>(ea) measures to support innovation, with a particular focus on SMEs and start-ups, including on setting up regulatory sandboxes and targeted measures to reduce the regulatory burden on SMEs's and start-ups;</u>		
	Article 1, first paragraph a, point (eb new)			
R	108c	<u>(eb) rules for the establishment and functioning of the Union's Artificial Intelligence Office (AI Office).</u>		<u>(ec) [to be discussed with governance]</u>
	Article 2			
G	109	Article 2 Scope	Article 2 Scope	Article 2 Scope

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
	Article 2(1)			
G	110	1. This Regulation applies to:	1. This Regulation applies to:	1. This Regulation applies to:
	Article 2(1), point (a)			
Y	111	(a) providers placing on the market or putting into service AI systems in the Union, irrespective of whether those providers are established within the Union or in a third country;	(a) providers placing on the market or putting into service AI systems in the Union, irrespective of whether those providers are <u>physically present or</u> established within the Union or in a third country;	(a) providers placing on the market or putting into service AI systems in the Union, irrespective of whether those providers are established within the Union or in a third country;
	Article 2(1), point (b)			
Y	112	(b) users of AI systems located within the Union;	(b) users <u>deployers</u> of AI systems <u>that have their place of establishment or who are</u> located within the Union;	(b) users <u>deployers</u> of AI systems <u>who are</u> located <u>or established</u> within the Union;
	Article 2(1), point (c)			
Y	113	(c) providers and users of AI systems that are located in a third country, where the output produced by the system is used in the Union;	(c) providers and users of AI systems that are located <u>who are physically present or established</u> in a third country, where the output produced by the system is used in the Union;	(c) providers and users of AI systems that are located <u>or established</u> in a third country, where <u>either Member State law applies by virtue of a public international law or</u> the output produced by the system is used in the Union;

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
		the Union;		
	Article 2(1), point (ca)			
Y	113a		<u>(ca) importers and distributors of AI systems;</u>	<u>(ca) importers and distributors of AI systems;</u>
	Article 2(1), point (ca new)			
R	113b	<u>(ca) providers placing on the market or putting into service AI systems referred to in Article 5 outside the Union where the provider or distributor of such systems is located within the Union;</u>		<u>(cb) [This is a point to be carefully discussed. It seems similar to exports, which are not under the same legal basis as this regulation]</u>
	Article 2(1), point (cb)			
Y	113c		<u>(cb) product manufacturers placing on the market or putting into service an AI system together with their product and under their own name or trademark;</u>	<u>(cc) product manufacturers placing on the market or putting into service an AI system together with their product and under their own name or trademark;</u>
	Article 2(1), point (cb new)			
Y	113d	<u>(cb) importers and distributors of AI systems as well as authorised representatives of providers of AI</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
		<u>systems, where such importers, distributors or authorised representatives have their establishment or are located in the Union;</u>		
	Article 2(1), point (cc)			
Y	113e		<u>(cc) authorised representatives of providers, which are established in the Union.</u>	<u>(cd) authorised representatives of providers, which are established in the Union.</u>
	Article 2(1), point (cc new)			
Y	113f	<u>(cc) affected persons as defined in Article 3(8a) that are located in the Union and whose health, safety or fundamental rights are adversely impacted by the use of an AI system that is placed on the market or put into service within the Union.</u>		<u>(ce) affected persons as defined in Article 3(8a) that are located in the Union and whose health, safety or fundamental rights are adversely impacted by the use of an AI system that is placed on the market or put into service within the Union.</u>
	Article 2(2)			
Y	114	2. For high-risk AI systems that are safety components of products or systems, or which are themselves products or systems, falling within the scope of the following acts, only Article 84 of	2. For high-risk AI systems that are safety components of products or systems, or which are themselves <u>classified as high-risk AI systems in accordance with Articles 6(1) and 6(2) related to</u>	2. For high-risk AI systems that are safety components of products or systems, or which are themselves <u>classified as high-risk AI systems in accordance with Articles 6(1) and 6(2) related to</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
	this Regulation shall apply:	acts <u>harmonisation legislation listed in Annex II - Section B</u> , only Article 84 of this Regulation shall apply ; .	products or systems, falling within the scope of the following acts, <u>covered by Union harmonisation legislation listed in Annex II, section B</u> only Article 84 of this Regulation shall apply ; . <u>Article 53 shall apply only insofar as the requirements for high-risk AI systems under this Regulation have been integrated under that Union harmonisation legislation.</u>	products or systems, falling within the scope of the following acts, <u>covered by Union harmonisation legislation listed in Annex II, section B</u> only Article 84 of this Regulation shall apply ; . <u>Article 53 shall apply only insofar as the requirements for high-risk AI systems under this Regulation have been integrated under that Union harmonisation legislation</u>
Article 2(2), point (a)				
G	115	(a) Regulation (EC) 300/2008;	<i>deleted</i>	<i>deleted</i>
Article 2(2), point (b)				
G	116	(b) Regulation (EU) No 167/2013;	<i>deleted</i>	<i>deleted</i>
Article 2(2), point (c)				
G	117	(c) Regulation (EU) No 168/2013;	<i>deleted</i>	<i>deleted</i>
Article 2(2), point (d)				
G	118			

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
	(d) Directive 2014/90/EU;	<i>deleted</i>	<i>deleted</i>	
	Article 2(2), point (e)			
G	119 (e) Directive (EU) 2016/797;	<i>deleted</i>	<i>deleted</i>	G
	Article 2(2), point (f)			
G	120 (f) Regulation (EU) 2018/858;	<i>deleted</i>	<i>deleted</i>	G
	Article 2(2), point (g)			
G	121 (g) Regulation (EU) 2018/1139;	<i>deleted</i>	<i>deleted</i>	G
	Article 2(2), point (h)			
G	122 (h) Regulation (EU) 2019/2144.	<i>deleted</i>	<i>deleted</i>	G
	Article 2(3)			
R	123 3. This Regulation shall not apply to AI systems developed or used exclusively for military purposes.		3. This Regulation shall not apply to AI systems developed <u>if and insofar placed on the market, put into service</u> , or used exclusively	3. <u>3.</u> This Regulation shall not apply to AI systems developed <u>if and insofar placed on the market, put into service</u> , or used exclusively

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
			<p>for <u>with or without modification of such systems for the purpose of activities which fall outside the scope of Union law, and in any event activities concerning military, defence or national security, regardless of the type of entity carrying out those activities.</u></p> <p><u>In addition, this Regulation shall not apply to AI systems which are not placed on the market or put into service in the Union, where the output is used in the Union for the purpose of activities which fall outside the scope of Union law, and in any event activities concerning military, defence or national security, regardless of the type of entity carrying out those activities</u></p> <p>purposes.</p>	<p>for <u>with or without modification of such systems for the purpose of activities which fall outside the scope of Union law, and in activities concerning military, defence or national security, regardless of the type of entity entrusted by the Member States to carry out tasks in relation to those competences. In addition, this Regulation shall not apply to AI systems which are not placed on the market or put into service in the Union, where the output is used in the Union for the purpose of activities which fall outside the scope of Union law, and in activities concerning military, defence or national security, regardless of the type of entity entrusted by the Member States to carry out tasks in relation to those competences</u></p> <p>purposes.</p>
	Article 2(4)			
124	4. This Regulation shall not apply to public authorities in a third country nor to international organisations falling within the scope of this Regulation pursuant to paragraph 1, where those	4. This Regulation shall not apply to public authorities in a third country nor to international organisations falling within the scope of this Regulation pursuant to paragraph 1, where those	4. This Regulation shall not apply to public authorities in a third country nor to international organisations falling within the scope of this Regulation pursuant to paragraph 1, where those	4. This Regulation shall not apply to public authorities in a third country nor to international organisations falling within the scope of this Regulation pursuant to paragraph 1, where those

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
	authorities or organisations use AI systems in the framework of international agreements for law enforcement and judicial cooperation with the Union or with one or more Member States.	authorities or organisations use AI systems in the framework of international <u>cooperation or</u> agreements for law enforcement and judicial cooperation with the Union or with one or more Member States. <u>and are subject of a decision of the Commission adopted in accordance with Article 36 of Directive (EU) 2016/680 or Article 45 of Regulation 2016/679 (adequacy decision) or are part of an international agreement concluded between the Union and that third country or international organisation pursuant to Article 218 TFUE providing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals;</u>	authorities or organisations use AI systems in the framework of international agreements for law enforcement and judicial cooperation with the Union or with one or more Member States.	authorities or organisations use AI systems in the framework of international <u>cooperation or</u> agreements for law enforcement and judicial cooperation with the Union or with one or more Member States <u>and are subject of a decision of the Commission adopted in accordance with Article 36 of Directive (EU) 2016/680 or Article 45 of Regulation 2016/679 (adequacy decision) or are part of an international agreement concluded between the Union and that third country or international organisation pursuant to Article 218 TFUE providing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals.</u>
Article 2(5)				
125	5. This Regulation shall not affect the application of the provisions on the liability of intermediary service providers set out in Chapter II, Section IV of Directive 2000/31/EC of the European Parliament and of the Council ¹ [as to be replaced by the	5. This Regulation shall not affect the application of the provisions on the liability of intermediary service providers set out in Chapter II, Section IV of Directive 2000/31/EC of the European Parliament and of the Council ¹ [as to be replaced by the	5. This Regulation shall not affect the application of the provisions on the liability of intermediary service providers set out in Chapter II, Section IV ⁴ of Directive 2000/31/EC of the European Parliament and of the Council ¹ <u>[as to be replaced by the</u>	5. This Regulation shall not affect the application of the provisions on the liability of intermediary service providers set out in Chapter II, Section IV ⁴ of Directive 2000/31/EC of the European Parliament and of the Council ¹ <u>[as to be replaced by the</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
	<p>corresponding provisions of the Digital Services Act].</p> <p>1. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).</p>	<p>corresponding provisions of the Digital Services Act].</p> <p>1. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).</p>	<p><u>corresponding provisions of the Digital Services Act</u> as to be replaced by the corresponding provisions of the Digital Services Act].</p> <p>1. <u>[1]</u> Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).</p>	<p>corresponding provisions of the Digital Services Act].</p> <p>1. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).</p>
Article 2(5a)				
125a			<p><u>5a. This Regulation shall not apply to AI systems, including their output, specifically developed and put into service for the sole purpose of scientific research and development.</u></p>	<p><u>5a. This Regulation shall not apply to AI systems, including their output, specifically developed and put into service for the sole purpose of scientific research and development, provided that these activities are conducted respecting fundamental rights and the applicable Union law.</u></p>
Article 2(5a) new				
125b		<p><u>5a. Union law on the protection of personal data, privacy and the confidentiality of communications applies to</u></p>		<p><u>5b. Union law on the protection of personal data, privacy and the confidentiality of communications applies to</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
		<u>personal data processes in connection with the rights and obligations laid down in this Regulation. This Regulation shall not affect Regulations (EU) 2016/679 and (EU) 2018/1725 and Directives 2002/58/EC and (EU) 2016/680, without prejudice to arrangements provided for in Article 10(5) and Article 54 of this Regulation.;</u>		<u>personal data processes in connection with the rights and obligations laid down in this Regulation. This Regulation shall not affect Regulations (EU) 2016/679 and (EU) 2018/1725 and Directives 2002/58/EC and (EU) 2016/680, without prejudice to arrangements provided for in Article 10(5) and Article 54 of this Regulation.</u>
	Article 2(5b)			
Y	125c		<u>5b. This Regulation shall not apply to any research and development activity regarding AI systems.</u>	
	Article 2(5b) new			
Y	125d	<u>5b. This Regulation is without prejudice to the rules laid down by other Union legal acts related to consumer protection and product safety;</u>		<u>5c. This Regulation is without prejudice to the rules laid down by other Union legal acts related to consumer protection and product safety.</u>
	Article 2(5c)			
Y	125e		<u>5c. This Regulation shall not apply to obligations of users who</u>	<u>5d. This Regulation shall not apply to obligations of users who</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft agreement
			<u>are natural persons using AI systems in the course of a purely personal non-professional activity, except Article 52.</u>	<u>are natural persons using AI systems in the course of a purely personal non-professional activity, except Article 52.</u>
	Article 2(5c) new			
125f		<u>5c. This regulation shall not preclude Member States or the Union from maintaining or introducing laws, regulations or administrative provisions which are more favourable to workers in terms of protecting their rights in respect of the use of AI systems by employers, or to encourage or allow the application of collective agreements which are more favourable to workers.</u>		<u>5e. "5c. This regulation shall not preclude Member States or the Union from maintaining or introducing laws, regulations or administrative provisions which are more favourable to workers in terms of protecting their rights in respect of the use of high-risk AI systems by employers, or to encourage or allow the application of collective agreements which are more favourable to workers.</u>
	Article 2(5d) new			
125g		<u>5d. This Regulation shall not apply to research, testing and development activities regarding an AI system prior to this system being placed on the market or put into service, provided that these activities are conducted respecting fundamental rights and the applicable Union law.</u>		

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		<p><u>The testing in real world conditions shall not be covered by this exemption. The Commission is empowered to may adopt delegated acts in accordance with Article 73 that clarify the application of this paragraph to specify this exemption to prevent its existing and potential abuse. The AI Office shall provide guidance on the governance of research and development pursuant to Article 56, also aiming to coordinate its application by the national supervisory authorities;</u></p>		
	Article 2(5e) new			
R 125h		<p><u>5e. This Regulation shall not apply to AI components provided under free and open-source licences except to the extent they are placed on the market or put into service by a provider as part of a high-risk AI system or of an AI system that falls under Title II or IV. This exemption shall not apply to foundation models as defined in Art 3.</u></p>		<p><u>5f. This Regulation shall not apply to AI components provided under free and open-source licences except to the extent they are placed on the market or put into service by a provider as part of a high-risk AI system or of an AI system that falls under Title II or IV. [This exemption shall not apply to foundation models as defined in Art 3.]</u></p>

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