Digital Regulation 2.0 – Initiative for the Internal Market No. 2 – Proposal for a Regulation of the European Parliament and Council on Artificial Intelligence (Artificial Intelligence Act) (AI Act)

Article	Article Designation	Recital Text	Recital Designation	Recital Text	Recital Designation	Recitals - NGO	Recitals - Business	Recitals - Government
1 (1)	Subject matter	(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, use and uptake of artificial intelligence systems (AI systems) in the Union, in accordance with Union values, to promote the uptake of human centric and trustworthy artificial intelligence while ensuring a high level of protection of health, safety, fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union ('the Charter'), including democracy, the rule of law and environmental protection, to protect against the harmful effects of artificial intelligence systems in the Union, and to support innovation. This Regulation 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 artificial intelligence systems unless this Regulation specifically allows such restrictions, without prejudice to or jeopardising the functioning of the internal market.	Recital (1) sets out the purpose of the Regulation, which is to improve the functioning of the internal market by laying down a uniform legal framework for the development, use and uptake of AI systems in the Union, in accordance with Union values, to promote the uptake of human centric and trustworthy AI while ensuring a high level of protection of health, safety, fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union ('the Charter'), including democracy, the rule of law and environmental protection, to protect against the harmful effects of AI systems in the Union, and to support innovation. Recital (1) also states that the free movement of AI-based goods and services cross-border should be ensured, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems unless this Regulation specifically allows such restrictions, without prejudice to or jeopardising the functioning of the internal market.				
1 (2)	Subject matter	(2) This Regulation lays down a Union legal framework for artificial intelligence (AI) that should be followed in the development, use and uptake of AI systems in the Union, in accordance with Union values, to promote the uptake of human centric and trustworthy AI while ensuring a high level of protection of health, safety, fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union ('the Charter'), including democracy, the rule of law and environmental protection, to protect against the harmful effects of AI systems in the Union, and to support innovation. This Regulation 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 this Regulation specifically allows such restrictions, without prejudice to or jeopardising the functioning of the internal market.	Recital (2) states that the Regulation lays down a Union legal framework for AI that should be followed in the development, use and uptake of AI systems in the Union, in accordance with Union values, to promote the uptake of human centric and trustworthy AI while ensuring a high level of protection of health, safety, fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union ('the Charter'), including democracy, the rule of law and environmental protection, to protect against the harmful effects of AI systems in the Union, and to support innovation. Recital (2) also states that the free movement of AI-based goods and services cross-border should be ensured, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems unless this Regulation specifically allows such restrictions, without prejudice to or jeopardising the functioning of the internal market.				
1 (3)	Subject matter	(3) Artificial intelligence (AI) is a fast evolving family of technologies that can contribute to a wide array of economic and societal benefits across the entire spectrum of industries and social activities. By improving prediction, optimising operations and resource allocation, and personalising digital solutions available for individuals and organisations, the use of artificial intelligence can provide key competitive advantages to undertakings and support socially and environmentally beneficial outcomes, for example in healthcare, farming, education and training, infrastructure management, energy, transport and logistics, public services, security, justice, resource and energy efficiency, environmental monitoring, the conservation and restoration of biodiversity and ecosystems and climate change mitigation and adaptation.	Recital (3) states that AI is a fast evolving family of technologies that can contribute to a wide array of economic and societal benefits across the entire spectrum of industries and social activities. By improving prediction, optimising operations and resource allocation, and personalising digital solutions available for individuals and organisations, the use of AI can provide key competitive advantages to undertakings and support socially and environmentally beneficial outcomes, for example in healthcare, farming, education and training, infrastructure management, energy, transport and logistics, public services, security, justice, resource and energy efficiency, environmental monitoring, the conservation and restoration of biodiversity and ecosystems and climate change mitigation and adaptation.				
1 (4)	Subject matter	(4) The AI-specific risks offer a new set of risks to people and a challenging regulatory task that will require adaptation of legal systems designed to protect other fundamental rights against adverse impacts arising from the use of AI systems. The uncertain future impact on these fundamental rights of the use of AI systems that are intended to be ubiquitous within the Union's internal market, such as the use of artificial intelligence in a specific manner that is not high-risk, should be easier to anticipate in the light of the experience with the use of other digital technologies. For example, the use of artificial intelligence in a way that is not high-risk in the field of education and vocational training, employment, workers' rights and access to self-employment, cannot be expected to have a significant impact on the rights of persons with disabilities, on the prohibition of forced labour, on the right to education, or on the protection of personal data, or on the right to an effective remedy and to a fair trial as well as on the right of defence and the presumption of innocence, for instance, when AI systems are not used in the most intrusive, discriminatory or exploitative way. However, it is appropriate that a proposal for a regulation of the Union on artificial intelligence addresses the risks to these rights that may result from the use of AI systems that are not high-risk. The consequences of the application of a mandatory conformity assessment for AI systems in relation to persons with disabilities, workers and persons with disabilities may also be considered in the context of the implementation of this Regulation by the entities responsible for the deployment of high-risk AI systems. Moreover, the high-risk AI systems in the fields of public and private law enforcement, migration and asylum and administration of justice and democracy, given the more pronounced power imbalances they entail, it is appropriate to limit the use of AI systems in these fields to the extent that such use is not prohibited by this Regulation.	Recital (4) states that the AI-specific risks offer a new set of risks to people and a challenging regulatory task that will require adaptation of legal systems designed to protect other fundamental rights against adverse impacts arising from the use of AI systems. The uncertain future impact on these fundamental rights of the use of AI systems that are intended to be ubiquitous within the Union's internal market, such as the use of artificial intelligence in a specific manner that is not high-risk, should be easier to anticipate in the light of the experience with the use of other digital technologies. For example, the use of artificial intelligence in a way that is not high-risk in the field of education and vocational training, employment, workers' rights and access to self-employment, cannot be expected to have a significant impact on the rights of persons with disabilities, on the prohibition of forced labour, on the right to education, or on the protection of personal data, or on the right to an effective remedy and to a fair trial as well as on the right of defence and the presumption of innocence, for instance, when AI systems are not used in the most intrusive, discriminatory or exploitative way. However, it is appropriate that a proposal for a regulation of the Union on artificial intelligence addresses the risks to these rights that may result from the use of AI systems that are not high-risk. The consequences of the application of a mandatory conformity assessment for AI systems in relation to persons with disabilities, workers and persons with disabilities may also be considered in the context of the implementation of this Regulation by the entities responsible for the deployment of high-risk AI systems. Moreover, the high-risk AI systems in the fields of public and private law enforcement, migration and asylum and administration of justice and democracy, given the more pronounced power imbalances they entail, it is appropriate to limit the use of AI systems in these fields to the extent that such use is not prohibited by this Regulation.				
1 (5)	Subject matter	(5) Accordingly, a uniform legal framework for the development, marketing and use of artificial intelligence in conformity with Union values should be established to realise the potential of the digital transformation across all the Union's regions and sectors. This Regulation aims to deliver on the promotion of the uptake of artificial intelligence driven innovation by ensuring that products and services based on artificial intelligence may be offered and used freely across the internal market. It is appropriate to lay down different rules for AI systems offered as a product or service to be made available on the market, thus ensuring a smooth functioning of the internal market, so as to benefit the consumer, for instance, when they are using a product or service based on artificial intelligence, and those AI systems that are used for purposes that are not covered by the product safety legislation of the Union, so as to ensure a level of protection of fundamental rights throughout the Union.	Recital (5) states that a uniform legal framework for the development, marketing and use of AI in conformity with Union values should be established to realise the potential of the digital transformation across all the Union's regions and sectors. This Regulation aims to deliver on the promotion of the uptake of AI driven innovation by ensuring that products and services based on AI may be offered and used freely across the internal market. It is appropriate to lay down different rules for AI systems offered as a product or service to be made available on the market, thus ensuring a smooth functioning of the internal market, so as to benefit the consumer, for instance, when they are using a product or service based on AI, and those AI systems that are used for purposes that are not covered by the product safety legislation of the Union, so as to ensure a level of protection of fundamental rights throughout the Union.				
1 (6)	Subject matter	(6) The notion of AI should be clearly defined to ensure legal certainty, provide flexibility to accommodate future developments, and be technology neutral and future-proof, so as not to hinder or prevent the adoption of innovative technologies. It should be based on the key functional characteristics of artificial intelligence, such as the capabilities to learn, reason or perceive, to the extent that such capabilities are based on processing of data or on machine or human-based inputs, which should be considered in relation to the specific tasks for which the artificial intelligence system is designed to carry out. The notion should be supplemented by a non-exhaustive list of specific techniques and approaches used for the development of artificial intelligence that should be subject to this Regulation, so as to ensure that every artificial intelligence system falling within the scope of this Regulation may be identified.	Recital (6) states that the notion of AI should be clearly defined to ensure legal certainty, provide flexibility to accommodate future developments, and be technology neutral and future-proof, so as not to hinder or prevent the adoption of innovative technologies. It should be based on the key functional characteristics of AI, such as the capabilities to learn, reason or perceive, to the extent that such capabilities are based on processing of data or on machine or human-based inputs, which should be considered in relation to the specific tasks for which the AI system is designed to carry out. The notion should be supplemented by a non-exhaustive list of specific techniques and approaches used for the development of AI that should be subject to this Regulation, so as to ensure that every AI system falling within the scope of this Regulation may be identified.				
1 (7)	Subject matter	(7) The notion of biometric data used in this Regulation should be interpreted in light of the notion of biometric data as defined in Article 4(14) of Regulation (EU) No 679/2016 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1), Article 3(18) of Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39) and Article 3(13) of Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).	Recital (7) states that the notion of biometric data used in this Regulation should be interpreted in light of the notion of biometric data as defined in Article 4(14) of Regulation (EU) No 679/2016 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1), Article 3(18) of Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39) and Article 3(13) of Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).				
1 (8)	Subject matter	(8) The notion of biometric data used in this Regulation should be interpreted in light of the notion of biometric data as defined in Article 4(14) of Regulation (EU) No 679/2016 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1), Article 3(18) of Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39) and Article 3(13) of Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).				
1 (9)	Subject matter	(9) This Regulation should be applied in accordance with the values of the Union enshrined in the Charter, facilitate the protection of individuals, undertakings, democracy, the rule of law and the environment, while boosting innovation and employment and making the Union a leader in the uptake of trustworthy AI. It lays down obligations for AI in proportion to the nature and intensity of risks that AI systems may generate on the fundamental rights and freedoms of persons enjoying protection under Union law. Based on the Union's unique position on the digital transformation of the public and private sectors, this Regulation should contribute to the Union's ambition to lead the sector by setting a benchmark for a trustworthy, high-quality AI in accordance with Union values and fundamental rights. This Regulation also ensures the free movement of AI-based goods and services across borders, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems unless this Regulation specifically allows such restrictions, without prejudice to or jeopardising the functioning of the internal market.	Recital (9) states that this Regulation should be applied in accordance with the values of the Union enshrined in the Charter, facilitate the protection of individuals, undertakings, democracy, the rule of law and the environment, while boosting innovation and employment and making the Union a leader in the uptake of trustworthy AI. It lays down obligations for AI in proportion to the nature and intensity of risks that AI systems may generate on the fundamental rights and freedoms of persons enjoying protection under Union law. Based on the Union's unique position on the digital transformation of the public and private sectors, this Regulation should contribute to the Union's ambition to lead the sector by setting a benchmark for a trustworthy, high-quality AI in accordance with Union values and fundamental rights. This Regulation also ensures the free movement of AI-based goods and services across borders, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems unless this Regulation specifically allows such restrictions, without prejudice to or jeopardising the functioning of the internal market.				
1 (10)	Subject matter	(10) Since the nature of artificial intelligence and the risk to fundamental rights possible as a result of such nature at the time of the adoption of this Regulation, a proportionate regulatory approach should be the cornerstone for a flexible and effective framework. The only necessary and proportionate way to intervene in the matter should be in respect of those AI systems whose use may be harmful to fundamental rights and freedoms of persons. Such intervention should be proportionate and should not impose unnecessary restrictions to trade, nor should it hinder scientific research and development, or discourage the uptake of AI technology by all economic operators. Obligations should be commensurate to the nature and intensity of the risks to fundamental rights and freedoms of persons that may be caused by the AI system, and should be proportionate to the strong benefits to society, the economy and the Union that the use of AI may generate. In particular, if the use of AI systems is not high-risk, the obligations imposed on the operators of such systems should be proportionate to the nature and intensity of the risks to fundamental rights and freedoms of persons that may be caused by the use of such systems, given that such use does not impose any obligations under this Regulation.	Recital (10) states that the nature of artificial intelligence and the risk to fundamental rights possible as a result of such nature at the time of the adoption of this Regulation, a proportionate regulatory approach should be the cornerstone for a flexible and effective framework. The only necessary and proportionate way to intervene in the matter should be in respect of those AI systems whose use may be harmful to fundamental rights and freedoms of persons. Such intervention should be proportionate and should not impose unnecessary restrictions to trade, nor should it hinder scientific research and development, or discourage the uptake of AI technology by all economic operators. Obligations should be commensurate to the nature and intensity of the risks to fundamental rights and freedoms of persons that may be caused by the AI system, and should be proportionate to the strong benefits to society, the economy and the Union that the use of AI may generate. In particular, if the use of AI systems is not high-risk, the obligations imposed on the operators of such systems should be proportionate to the nature and intensity of the risks to fundamental rights and freedoms of persons that may be caused by the use of such systems, given that such use does not impose any obligations under this Regulation.				
1 (11)	Subject matter	(11) This Regulation should be without prejudice to the obligations of undertakings and of persons to whom Union law on civil liability applies. This Regulation should be without prejudice to the rights of persons to be compensated for damage caused by AI systems under Union liability legislation. It should be without prejudice to the rights of persons to be compensated for damage caused by AI systems under Union liability legislation.	Recital (11) states that this Regulation should be without prejudice to the obligations of undertakings and of persons to whom Union law on civil liability applies. This Regulation should be without prejudice to the rights of persons to be compensated for damage caused by AI systems under Union liability legislation.				
1 (12)	Subject matter	(12) Finally, it is appropriate to lay down a Union legal framework for artificial intelligence (AI) that should be followed in the development, use and uptake of AI systems in the Union, in accordance with Union values, to promote the uptake of human centric and trustworthy AI while ensuring a high level of protection of health, safety, fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union ('the Charter'), including democracy, the rule of law and environmental protection, to protect against the harmful effects of AI systems in the Union, and to support innovation. This Regulation 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 this Regulation specifically allows such restrictions, without prejudice to or jeopardising the functioning of the internal market.	Recital (12) states that it is appropriate to lay down a Union legal framework for AI that should be followed in the development, use and uptake of AI systems in the Union, in accordance with Union values, to promote the uptake of human centric and trustworthy AI while ensuring a high level of protection of health, safety, fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union ('the Charter'), including democracy, the rule of law and environmental protection, to protect against the harmful effects of AI systems in the Union, and to support innovation. Recital (12) also states that the free movement of AI-based goods and services cross-border should be ensured, thus preventing Member States from imposing restrictions on the development, marketing and use of AI systems unless this Regulation specifically allows such restrictions, without prejudice to or jeopardising the functioning of the internal market.				
2 (1)	Scope	(13) The Union's legislative acts on a common framework for trustworthy electronic identification and trust services for electronic transactions, namely Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73) and Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57), should be unaffected by this Regulation. Any AI system that is not intended to be used for remote biometric identification of natural persons should be considered in relation to the provisions of Regulation (EU) No 910/2014 and Regulation (EU) 2019/1150 insofar as it is not covered by the trustworthiness requirements set out in this Regulation, since the requirements for AI systems with regard to the provision of such trustworthiness services under Regulation (EU) No 910/2014 should be assessed by the operators of such services in accordance with their respective Regulations.	Recital (13) states that the Union's legislative acts on a common framework for trustworthy electronic identification and trust services for electronic transactions, namely Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73) and Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57), should be unaffected by this Regulation. Recital (13) also states that any AI system that is not intended to be used for remote biometric identification of natural persons should be considered in relation to the provisions of Regulation (EU) No 910/2014 and Regulation (EU) 2019/1150 insofar as it is not covered by the trustworthiness requirements set out in this Regulation, since the requirements for AI systems with regard to the provision of such trustworthiness services under Regulation (EU) No 910/2014 should be assessed by the operators of such services in accordance with their respective Regulations.				
2 (2)	Scope	(14) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1) and Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39) shall be unaffected by this Regulation.	Recital (14) states that Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1) and Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39) shall be unaffected by this Regulation.				
2 (3)	Scope	(15) Furthermore, as artificial intelligence may be a product that is subject to the free movement of goods, the provisions of Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements of accreditation and market surveillance relating to the marketing of products (OJ L 218, 13.8.2008, p. 30) and Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, p. 82) should be applicable.	Recital (15) states that Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements of accreditation and market surveillance relating to the marketing of products (OJ L 218, 13.8.2008, p. 30) and Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, p. 82) should be applicable.				
2 (4)	Scope	(16) Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 70/156/EEC (OJ L 151, 14.6.2018, p. 1), Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2.3.2013, p. 1), and Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- and three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52), as regards the essential requirements for artificial intelligence systems installed in or designed to be used in vehicles and other mobile machinery, should be unaffected by this Regulation.	Recital (16) states that Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 70/156/EEC (OJ L 151, 14.6.2018, p. 1), Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2.3.2013, p. 1), and Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- and three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52), as regards the essential requirements for artificial intelligence systems installed in or designed to be used in vehicles and other mobile machinery, should be unaffected by this Regulation.				
2 (5)	Scope	(17) Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amending Regulation (EU) 2018/858 of the European Parliament and of the Council and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No 1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) No 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) No 2015/166 should be unaffected by this Regulation.	Recital (17) states that Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amending Regulation (EU) 2018/858 of the European Parliament and of the Council and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No 1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) No 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) No 2015/166 should be unaffected by this Regulation.				
2 (6)	Scope	(18) This Regulation should be without prejudice to the provisions regarding the liability of providers of intermediary services set out in 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) amended by the Digital Services Act proposal COM(2020) 825 final.	Recital (18) states that this Regulation should be without prejudice to the provisions regarding the liability of providers of intermediary services set out in 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) amended by the Digital Services Act proposal COM(2020) 825 final.				
2 (7)	Scope	(19) For the purpose of this Regulation, the notion of AI system should be clearly defined and should be technology-neutral. It should be based on the key functional characteristics of artificial intelligence, such as the capabilities to learn, reason or perceive, to the extent that such capabilities are based on processing of data or on machine or human-based inputs, which should be considered in relation to the specific tasks for which the artificial intelligence system is designed to carry out. The notion should be supplemented by a non-exhaustive list of specific techniques and approaches used for the development of artificial intelligence that should be subject to this Regulation, so as to ensure that every artificial intelligence system falling within the scope of this Regulation may be identified.	Recital (19) states that for the purpose of this Regulation, the notion of AI system should be clearly defined and should be technology-neutral. It should be based on the key functional characteristics of AI, such as the capabilities to learn, reason or perceive, to the extent that such capabilities are based on processing of data or on machine or human-based inputs, which should be considered in relation to the specific tasks for which the AI system is designed to carry out. The notion should be supplemented by a non-exhaustive list of specific techniques and approaches used for the development of AI that should be subject to this Regulation, so as to ensure that every AI system falling within the scope of this Regulation may be identified.				
2 (8)	Scope	(20) The concepts underlying biometric data and biometrics based data under this Regulation are not uniform across the different sectors and areas of public and private organisation. Depending on the specific purpose and the context in which the biometric data are processed, it may concern different types of data, such as personal data within the meaning of Regulation (EU) 2016/679 of the European Parliament and of the Council, personal data within the meaning of Regulation (EU) 2018/1725 of the European Parliament and of the Council, or personal data within the meaning of Directive (EU) 2016/680 of the European Parliament and of the Council.	Recital (20) states that the concepts underlying biometric data and biometrics based data under this Regulation are not uniform across the different sectors and areas of public and private organisation. Depending on the specific purpose and the context in which the biometric data are processed, it may concern different types of data, such as personal data within the meaning of Regulation (EU) 2016/679 of the European Parliament and of the Council, personal data within the meaning of Regulation (EU) 2018/1725 of the European Parliament and of the Council, or personal data within the meaning of Directive (EU) 2016/680 of the European Parliament and of the Council.				
2 (9)	Scope	(21) The notion of biometric categorisation under this Regulation should be defined as assigning natural persons to specific categories on the basis of their biometric data. Such specific categories may be related to aspects such as gender, age, hair colour, eye colour, tattoos, behavioural or emotional traits, ethnic origin, personal preference and interests. Such biometric data should be considered to be personal data under the relevant Regulations and Directives of the Union on data protection, and Recital (51) of Regulation (EU) 2016/679 of the European Parliament and of the Council.	Recital (21) states that the notion of biometric categorisation under this Regulation should be defined as assigning natural persons to specific categories on the basis of their biometric data. Such specific categories may be related to aspects such as gender, age, hair colour, eye colour, tattoos, behavioural or emotional traits, ethnic origin, personal preference and interests. Such biometric data should be considered to be personal data under the relevant Regulations and Directives of the Union on data protection, and Recital (51) of Regulation (EU) 2016/679 of the European Parliament and of the Council.				
2 (10)	Scope	(22) The notion of remote biometric identification under this Regulation should be defined as the identification of natural persons at a distance, where the biometric data used for the purpose of identification are not all of the same nature as those used for the purpose of verification by means of biometrics, which is the automatic recognition of physical, physiological and behavioural human features such as the face, eye movement, body shape, voice, prosody, gait, posture, heart rate, blood pressure, smell, keystrokes and gait, with the exception of verification of a person's identity claim or of a person's physical state. This should be understood as the identification of persons without their knowledge, in which biometric data are compared with those of persons whose biometric data are stored in a database. This should be understood as the identification of persons without their knowledge, in which biometric data are compared with those of persons whose biometric data are stored in a database.	Recital (22) states that the notion of remote biometric identification under this Regulation should be defined as the identification of natural persons at a distance, where the biometric data used for the purpose of identification are not all of the same nature as those used for the purpose of verification by means of biometrics, which is the automatic recognition of physical, physiological and behavioural human features such as the face, eye movement, body shape, voice, prosody, gait, posture, heart rate, blood pressure, smell, keystrokes and gait, with the exception of verification of a person's identity claim or of a person's physical state. This should be understood as the identification of persons without their knowledge, in which biometric data are compared with those of persons whose biometric data are stored in a database. This should be understood as the identification of persons without their knowledge, in which biometric data are compared with those of persons whose biometric data are stored in a database.				
2 (11)	Scope	(23) For the purposes of this Regulation, the notion of publicly accessible space should be understood as referring to any physical place that is accessible to the public, irrespective of whether certain premises may be subject to access control. It is also understood that the notion does not cover places that are private in nature and normally not freely accessible for third persons, including those of law enforcement services, unless they have been specifically made accessible to third persons by those having the relevant authority. The mere fact that other access control measures, such as those associated with passes or automatic access control systems, are in place should not, in the context of this Regulation, be understood as meaning that the premises are not accessible to the public. The notion should also cover places which, regardless of the potential capacity restrictions and security controls, are open to a certain predetermined or unlimited number of persons, such as a cinema, a theatre, a festival, a game venue, a shopping centre, an exhibition, a sports venue, a public or private transport vehicle, a hotel, a bar, a restaurant, a sports venue, a place of worship, a leisure or entertainment place, a place of gathering, a school, a hospital, a bank, a place of work, a place of exchange, a place of trade, a place of sale, a place of delivery, a place of consumption