

Contribution ID: c4d7d21d-3216-46e5-99eb-83bc6dce1036

Date: 09/06/2020 16:51:56

# Consultation on the White Paper on Artificial Intelligence - A European Approach

Fields marked with \* are mandatory.

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## Introduction

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Artificial intelligence (AI) is a strategic technology that offers many benefits for citizens and the economy. It will change our lives by improving healthcare (e.g. making diagnosis more precise, enabling better prevention of diseases), increasing the efficiency of farming, contributing to climate change mitigation and adaptation, improving the efficiency of production systems through predictive maintenance, increasing the security of Europeans and the protection of workers, and in many other ways that we can only begin to imagine.

At the same time, AI entails a number of potential risks, such as risks to safety, gender-based or other kinds of discrimination, opaque decision-making, or intrusion in our private lives.

The European approach for AI (<https://ec.europa.eu/info/strategy/priorities-2019-2024/europe-fit-digital-age/excellence-trust-artificial-intelligence#ai-and-eu-in-figures>) aims to promote Europe's innovation capacity in the area of AI while supporting the development and uptake of ethical and trustworthy AI across the EU. According to this approach, AI should work for people and be a force for good in society.

For Europe to seize fully the opportunities that AI offers, it must develop and reinforce the necessary industrial and technological capacities. As set out in the accompanying European strategy for data, this also requires measures that will enable the EU to become a global hub for data.

The current public consultation comes along with the **White Paper on Artificial Intelligence - A European Approach** ([https://ec.europa.eu/info/publications/white-paper-artificial-intelligence-european-approach-excellence-and-trust\\_en](https://ec.europa.eu/info/publications/white-paper-artificial-intelligence-european-approach-excellence-and-trust_en)) aimed to foster a European ecosystem of excellence and trust in AI and a Report on the safety and liability aspects of AI. The White Paper proposes:

- Measures that will streamline research, foster collaboration between Member States and increase investment into AI development and deployment;
- Policy options for a future EU regulatory framework that would determine the types of legal requirements that would apply to relevant actors, with a particular focus on high-risk applications.

This consultation enables all European citizens, Member States and relevant stakeholders (including civil society, industry and academics) to provide their opinion on the White Paper and contribute to a European approach for AI. To this end, the following questionnaire is divided in three sections:

- **Section 1** refers to the specific actions, proposed in the White Paper's Chapter 4 for the building of an ecosystem of excellence that can support the development and uptake of AI across the EU economy and public administration;
- **Section 2** refers to a series of options for a regulatory framework for AI, set up in the White Paper's Chapter 5;
- **Section 3** refers to the Report on the safety and liability aspects of AI ([https://ec.europa.eu/info/files/commission-report-safety-and-liability-implications-ai-internet-things-and-robotics\\_en](https://ec.europa.eu/info/files/commission-report-safety-and-liability-implications-ai-internet-things-and-robotics_en)).

Respondents can provide their opinion by choosing the most appropriate answer among the ones suggested for each question or suggesting their own ideas in dedicated text boxes.

Feedback can be provided in one of the following languages:

BG (<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=BG>) | CS  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=CS>) | DE  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=DE>) | DA  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=DA>) | EL  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=EL>) | EN  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020>) | ES  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=ES>) | ET  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=ET>) | FI  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=FI>) | FR  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=FR>) | HR  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=HR>) | HU  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=HU>) | IT  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=IT>) | LT  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=LT>) | LV  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=LV>) | MT  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=MT>) | NL  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=NL>) | PL  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=PL>) | PT  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=PT>) | RO  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=RO>) | SK  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=SK>) | SL  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=SL>) | SV  
(<https://ec.europa.eu/eusurvey/runner/AIConsult2020?surveylanguage=SV>)

Written feedback provided in other document formats, can be uploaded through the button made available at the end of the questionnaire.

**The survey will remain open until 14 June 2020.**

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## About you

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\*Language of my contribution

English

\*I am giving my contribution as

Business association

\*First name

Anna

\*Surname

Bosch

\*Email (this won't be published)

abosch@actonline.org

\*Organisation name

*255 character(s) maximum*

ACT | The App Association

\*Organisation size

Small (10 to 49 employees)

Transparency register number

*255 character(s) maximum*

Check if your organisation is on the transparency register (<http://ec.europa.eu/transparencyregister/public/homePage.do?>)

redir=false&locale=en). It's a voluntary database for organisations seeking to influence EU decision-making.

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#### \*Country of origin

Please add your country of origin, or that of your organisation.

Belgium

#### \*Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

##### **Anonymous**

Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

##### **Public**

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

- I agree with the personal data protection provisions ([https://ec.europa.eu/info/law/better-regulation/specific-privacy-statement\\_en](https://ec.europa.eu/info/law/better-regulation/specific-privacy-statement_en))

## Section 1 - An ecosystem of excellence

To build an ecosystem of excellence that can support the development and uptake of AI across the EU economy, the White Paper proposes a series of actions.

**In your opinion, how important are the six actions proposed in section 4 of the White Paper on AI (1-5: 1 is not important at all, 5 is very important)?**

	1 - Not important at all	2 - Not important	3 - Neutral	4 - Important	5 - Very important	No opinion
Working with Member states	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Focussing the efforts of the research and innovation community	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Focus on SMEs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Partnership with the private sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Promoting the adoption of AI by the public sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Are there other actions that should be considered?**

500 character(s) maximum

**Revising the Coordinated Plan on AI (Action 1)**

The Commission, taking into account the results of the public consultation on the White Paper, will propose to Member States a revision of the Coordinated Plan to be adopted by end 2020.

**In your opinion, how important is it in each of these areas to align policies and strengthen coordination as described in section 4.A of the White Paper (1-5: 1 is not important at all, 5 is very important)?**

	1 - Not important at all	2 - Not important	3 - Neutral	4 - Important	5 - Very important	No opinion
Strengthen excellence in research	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Establish world-reference testing facilities for AI	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Promote the uptake of AI by business and the public sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Increase the financing for start-ups innovating in AI	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Develop skills for AI and adapt existing training programmes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Build up the European data space	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Are there other areas that that should be considered?**

500 character(s) maximum

The cultural, workforce training and education, data access, and technology-related changes associated with AI will require strong guidance and coordination. An EU-wide AI strategy incorporating guidance on issues including research, quality assurance and oversight, thoughtful design, access and affordability, ethics, privacy and security, interoperability, biases, and education will be vital to achieving the promise that AI offers to consumers and European economies.

### **A united and strengthened research and innovation community striving for excellence**

Joining forces at all levels, from basic research to deployment, will be key to overcome fragmentation and create synergies between the existing networks of excellence.

**In your opinion how important are the three actions proposed in sections 4.B, 4.C and 4.E of the White Paper on AI (1-5: 1 is not important at all, 5 is very important)?**

	1 - Not important at all	2 - Not important	3 - Neutral	4 - Important	5 - Very important	No opinion
Support the establishment of a lighthouse research centre that is world class and able to attract the best minds	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Network of existing AI research excellence centres	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Set up a public-private partnership for industrial research	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

**Are there any other actions to strengthen the research and innovation community that should be given a priority?**

*500 character(s) maximum*

### **Focusing on Small and Medium Enterprises (SMEs)**

The Commission will work with Member States to ensure that at least one digital innovation hub per Member State has a high degree of specialisation on AI.

**In your opinion, how important are each of these tasks of the specialised Digital Innovation Hubs mentioned in section 4.D of the White Paper in relation to SMEs (1-5: 1 is not important at all, 5 is very important)?**

	1 - Not important at all	2 - Not important	3 - Neutral	4 - Important	5 - Very important	No opinion
Help to raise SME's awareness about potential benefits of AI	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Provide access to testing and reference facilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Promote knowledge transfer and support the development of AI expertise for SMEs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Support partnerships between SMEs, larger enterprises and academia around AI projects	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Provide information about equity financing for AI startups	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

**Are there any other tasks that you consider important for specialised Digital Innovations Hubs?**

*500 character(s) maximum*

They should provide practical information on EU funding opportunities and how to accessing it. Guides and resources on best practices for complying with regulation are important especially for small businesses.

## Section 2 - An ecosystem of trust

Chapter 5 of the White Paper sets out options for a regulatory framework for AI.

**In your opinion, how important are the following concerns about AI (1-5: 1 is not important at all, 5 is very important)?**

	1 - Not important	2 - Not	3 - N	4 - Important	5 - Very	No opinion
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	not at all	important	neutral	important	important	important
AI may endanger safety	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
AI may breach fundamental rights (such as human dignity, privacy, data protection, freedom of expression, workers' rights etc.)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The use of AI may lead to discriminatory outcomes	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
AI may take actions for which the rationale cannot be explained	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
AI may make it more difficult for persons having suffered harm to obtain compensation	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
AI is not always accurate	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Do you have any other concerns about AI that are not mentioned above? Please specify:**

*500 character(s) maximum*

This question is framed negatively and should be revisited by the Commission. For example, of course AI could endanger safety, but it could also hugely benefit safety. There is no question that these concerns are important, but it is important to keep in mind that AI is capable on having significant positive effects overall.

**Do you think that the concerns expressed above can be addressed by applicable EU legislation? If not, do you think that there should be specific new rules for AI systems?**

- Current legislation is fully sufficient
- Current legislation may have some gaps
- There is a need for a new legislation
- Other
- No opinion

**If you think that new rules are necessary for AI system, do you agree that the introduction of new compulsory requirements should be limited to high-risk applications (where the possible harm caused by the AI system is particularly high)?**

- Yes
- No
- Other
- No opinion



Other, please specify:

500 character(s) maximum

This depends on the definition of high-risk applications. A risk-based approach, while comprehensive, must continue to allow for development and innovation, especially from SMEs. Certain applications may require stricter regulation. Many others may not. It's currently unclear by whom and how the determination of what is a high-risk application will be made. Currently the high-risk assessment lacks nuance, and details will need to be carefully examined to avoid unintended consequences.

If you wish, please indicate the AI application or use that is most concerning ("high-risk") from your perspective:

500 character(s) maximum

"High-risk" depends to a large extent on what is done with the information AI creates, rather than on the application itself. The risk level is determined by how an application is used and in what context. It is not the AI-produced information per se that is 'high' or 'low' risk, but how we (decision makers) use that information that creates the level of risk.

In your opinion, how important are the following mandatory requirements of a possible future regulatory framework for AI (as section 5.D of the White Paper) (1-5: 1 is not important at all, 5 is very important)?

	1 - Not important at all	2 - Not important	3 - Neutral	4 - Important	5 - Very important	No opinion
The quality of training data sets	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The keeping of records and data	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Information on the purpose and the nature of AI systems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Robustness and accuracy of AI systems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Human oversight	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear liability and safety rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

In addition to the existing EU legislation, in particular the data protection framework, including the General Data Protection Regulation and the Law Enforcement Directive, or, where relevant, the new possibly mandatory requirements foreseen above (see question above), do you think that the use of

**remote biometric identification systems (e.g. face recognition) and other technologies which may be used in public spaces need to be subject to further EU-level guidelines or regulation:**

- No further guidelines or regulations are needed
- Biometric identification systems should be allowed in publicly accessible spaces only in certain cases or if certain conditions are fulfilled (please specify)
- Other special requirements in addition to those mentioned in the question above should be imposed (please specify)
- Use of Biometric identification systems in publicly accessible spaces, by way of exception to the current general prohibition, should not take place until a specific guideline or legislation at EU level is in place.
- Biometric identification systems should never be allowed in publicly accessible spaces
- No opinion

Please specify your answer:

**Do you believe that a voluntary labelling system (Section 5.G of the White Paper) would be useful for AI systems that are not considered high-risk in addition to existing legislation?**

- Very much
- Much
- Rather not
- Not at all
- No opinion

**Do you have any further suggestion on a voluntary labelling system?**

*500 character(s) maximum*

Any AI labelling would be premature. AI applications are changing so rapidly that any labelling system would be outdated by the time it enters into force. Generally, voluntary labelling may be useful in cases where there is no legislation. If done in addition to existing legislation, voluntary labelling is not useful and creates an unfair difference between those who can afford to comply with the 'voluntary labeling scheme' on top of regulation and those who can't.

**What is the best way to ensure that AI is trustworthy, secure and in respect of European values and rules?**

- Compliance of high-risk applications with the identified requirements should be self-assessed ex-ante (prior to putting the system on the market)
- Compliance of high-risk applications should be assessed ex-ante by means of an external conformity assessment procedure

- Ex-post market surveillance after the AI-enabled high-risk product or service has been put on the market and, where needed, enforcement by relevant competent authorities
- A combination of ex-ante compliance and ex-post enforcement mechanisms
- Other enforcement system
- No opinion

**Do you have any further suggestion on the assessment of compliance?**

*500 character(s) maximum*

## **Section 3 – Safety and liability implications of AI, IoT and robotics**

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The overall objective of the safety and liability legal frameworks is to ensure that all products and services, including those integrating emerging digital technologies, operate safely, reliably and consistently and that damage having occurred is remedied efficiently.

**The current product safety legislation already supports an extended concept of safety protecting against all kind of risks arising from the product according to its use. However, which particular risks stemming from the use of artificial intelligence do you think should be further spelled out to provide more legal certainty?**

- Cyber risks
- Personal security risks
- Risks related to the loss of connectivity
- Mental health risks

**In your opinion, are there any further risks to be expanded on to provide more legal certainty?**

*500 character(s) maximum*

**Do you think that the safety legislative framework should consider new risk assessment procedures for products subject to important changes during their lifetime?**

- Yes
- No
- No opinion

**Do you have any further considerations regarding risk assessment procedures?**

**500 character(s) maximum**

Policy frameworks that use risk-based approaches should ensure that the use of AI aligns with the recognized standards of safety, efficacy, and equity. Providers, technology developers and vendors, and other stakeholders all benefit from understanding the distribution of risk and liability in building, testing, and using AI tools. It is also important to understand how and by whom these assessments will be conducted.

**Do you think that the current EU legislative framework for liability (Product Liability Directive) should be amended to better cover the risks engendered by certain AI applications?**

- Yes  
 No  
 No opinion

**Do you have any further considerations regarding the question above?****500 character(s) maximum**

Any update of the product liability directive needs to be principle-based rather than technology-based, so it is future proof and can remain relevant, especially considering the speed of which AI applications are changing and being developed.

**Do you think that the current national liability rules should be adapted for the operation of AI to better ensure proper compensation for damage and a fair allocation of liability?**

- Yes, for all AI applications  
 Yes, for specific AI applications  
 No  
 No opinion

**Do you have any further considerations regarding the question above?****500 character(s) maximum**

Rather than updating current national liability rules, it would be more beneficial to harmonise frameworks and to establish a European-level policy framework. This would generate legal certainty for businesses all over Europe.

**Thank you for your contribution to this questionnaire. In case you want to share further ideas on these topics, you can upload a document below.**

**You can upload a document here:**

## **AI-policy-principles-ACT.pdf**

### **Contact**

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