



## **Move EU's position on the European Commission proposal for the A.I. Act**

Brussels, 5 August 2021

Move EU welcomes the European Commission's ambitious proposal for an AI Regulation and the opportunity to provide feedback on behalf of its member companies in the on-demand mobility sector.

Move EU brings together the leading actors in the field of ride-hailing services. Speaking with one voice, our members aim to foster the rapid and sustainable deployment of on-demand mobility in the European Union.

The Commission's proposal is a fundamental step towards building a solid framework that creates legal certainty, ensures the respect of fundamental rights, and unlocks innovation. However, there are some points, as listed below, which from our perspective should be further clarified to secure the most balanced framework.

### **Definitions within the proposal and task allocation systems**

We believe that the definitions as they are outlined in the proposal are very broad, and therefore compromise the business community's ability to understand, interpret, and prepare for compliance with the AI Act. As an example, defining the use of AI in entire categories as "high-risk," such as safety, will result in an overbroad scope, conflict with existing relevant laws, and create a chilling effect on technologies that can otherwise have a positive effect in these areas.

Specifically, we would request greater clarity regarding the Commission's decision to classify the use of AI in employment-related activities, such as "task allocation," as high-risk. Today's digital marketplaces, including ride-hailing platforms, rely on the use of algorithms and AI to create vital earnings opportunities and serve consumer needs in real-time. "Task allocation" could refer to this common and even fundamental operation which allows matching passengers with the closest drivers and which occurs based on objective criteria such as geography and proximity. Therefore, we would ask the Commission to evaluate whether the benefits of restricting this use case of AI, and others that are fundamental to online marketplaces, outweigh the costs of restricting access to flexible work.

Furthermore, the use of AI for the specific purpose of ensuring the safety of online and physical marketplaces should be distinguished from other uses of AI considered high-risk.

### **Remote Biometric Identification and GDPR Compliance**

Remote biometric identification (RBI) as outlined in the proposal is another point that we believe should be further discussed considering also industry input. GDPR already prohibits processing of biometric data, but allows the use of facial recognition technology in certain responsible ways

for safety and security purposes. We therefore believe that an outright ban is not consistent with GDPR and somewhat redundant.

This brings us to another core point for our industry: the final regulation should be fully aligned with GDPR, especially for what the processing of personal data and automated individual decision-making (including profiling) are concerned.

### **Reducing bureaucratic burdens and promoting testing and implementation of AI**

Bureaucratic burdens should be minimised for businesses operating Europe, particularly for SMEs, while transparency and disclosure requirements should be proportionate to the risks entailed. We believe that the requirements related to high-risk applications should be more results-oriented, focussing on “what” are the goals to be achieved, rather than the current process-oriented emphasis on “how” to achieve compliant AI.

It’s critical that we preserve the ability for companies to scale formerly manual processes through the use of AI, which has created economic opportunities for countless EU consumers seeking flexible work.

Finally, we welcome the inclusion of regulatory sandboxes as a measure to improve testing and facilitate the implementation of AI systems for startups and SMEs across Europe. However, we believe that they should be underpinned by clear, unambiguous rules concerning their use, including sufficient guidance to data protection authorities about their operation.