

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

Fields marked with * are mandatory.

Introduction

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](#) 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](#) 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](#).

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 also be provided in a document format (e.g. position paper) that can be uploaded through the button made available at the end of the questionnaire.

***The survey will remain open until 31 May 2020 while the questions will become available in all EU languages on 4 March 2020.**

About you

- * Language of my contribution
English
- * I am giving my contribution as
☐ Business association
- * First name
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- * Scope
☐ International
- * Organisation name
Association of Commercial Television in Europe
- * Organisation size
☐ Micro (1 to 9 employees)
- Transparency register number
Transparency Register N° 18574111503-28 | EU
- * Country of origin
Belgium
- * Publication privacy settings
☐ Public

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"/>	X	<input type="radio"/>	<input type="radio"/>
Focusing the efforts of the research and innovation community	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	X	<input type="radio"/>	<input type="radio"/>
Skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Focus on SMEs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Partnership with the private sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	X	
Promoting the adoption of AI by the public sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are there other actions that should be considered?

Promoting AI Compliance by design (transparency, explainability, internal and external auditability) to ensure AI applications respect and uphold existing IP and Media rules and freedoms. Ensure AI applications do not reinforce the market dominance of certain players, notably in the online environment.

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"/>	X	<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 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"/>	X	<input 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 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 type="radio"/>	<input type="radio"/>
Build up the European data space	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	X	<input type="radio"/>

Are there other areas that that should be considered?

500 character(s) maximum

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)?

ACT HAS NO OPINION ON BELOW

	1 - Not important at all	2 - Not important	3 - Neutral	4 - Important	5 - Very important	No opinion
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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 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 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 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 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 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 type="radio"/>
Support partnerships between SMEs, larger enterprises and academia around AI projects	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	X	<input type="radio"/>	<input 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 type="radio"/>

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

NO OPINION

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 at all	2 - Not important	3 - Neutral	4 - Important	5 - Very important	No opinion
AI may endanger safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	X
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 type="radio"/>		X	<input type="radio"/>
The use of AI may lead to discriminatory outcomes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	X	<input type="radio"/>	
AI may take actions for which the rationale cannot be explained	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>		X	
AI may make it more difficult for persons having suffered harm to obtain compensation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>		X	<input type="radio"/>
AI is not always accurate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	X	

Do you have any other concerns about AI that are not mentioned above?

Please specify:

500 character(s) maximum

The AV sector increasingly uses AI tools at several points of the creative, production and distribution chain. See examples attached in annex to this response. The core concern for commercial televisions on AI focuses on intellectual property rights (IPRs) and editorial integrity. Any legislation on AI should ensure existing IPRs are maintained and enforced whilst maintaining strong editorial integrity to ensure high trust in news media.

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?

☐ Other

Other, please specify

Any new legislation regarding AI should be aligned with existing IP and media law in order to ensure that IPRs are maintained, contractual freedom is not undermined and existing media laws and freedoms are upheld.

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)?

☐ Other

Other, please specify:

500 character(s) maximum

A low or high risk assessments should also account for whether the AI application may be at risk of undermining existing legal provisions and protections. AI applications are a means and not an end. As such the ACT would recommend an approach that is compliant by design (transparency, explainability, internal and external auditability).

Do you agree with the approach to determine “high-risk” AI applications proposed in Section 5.B of the White Paper? Section 5.B of the White Paper (p.13-16) is mostly related to Product Liability and safety issues

Other, please specify:

500 character(s) maximum

A risk assessment

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

500 character(s) maximum

Where AI applications use proprietary data to create works without due compensation/prior authorisation of the right holder. AI applications that automatically generate “news” content without due human supervision. AI applications used to create deep fakes with the intention to disinform or mislead the general public. It is important to make sure monitoring and crime prevention does not endanger journalistic sources, source material and journalistic research. Another risk for the audiovisual sector is the use of non-efficient AI-based content recognition systems by dominant platforms, profiting therefore from the illegal uploading of copyright-protected works

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) (1-6: 1 is not important at all, 6 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"/>	X	
The keeping of records and data	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	X	
Information on the purpose and the nature of AI systems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	X	
Robustness and accuracy of AI systems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	X	
Human oversight	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	X	<input type="radio"/>
Clear liability and safety rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	X	<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:

Please specify your answer:

Where AI applications are compliant with existing legal protections, including GDPR, they can be a useful tool to enhance the creation and distribution of content as well as viewer experience. For example, emotion-tracking can be used in the media sector as a means of enhancing viewer experience. Biometric identification in public spaces pose major risks to journalistic sources.

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

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

500 character(s) maximum

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

☐ A combination of ex-ante compliance and ex-post enforcement mechanisms

Please specify any other enforcement system:

500 character(s) maximum

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

500 character(s) maximum

ACT would suggest a by design approach in the development of AI applications that includes the relevant provisions of existing eu laws governing IP and media (eg; Copyright directive, , IPRED) to ensure ex-ante compliance. (transparency, explainability, internal and external auditability). For any monitoring of publishing (e.g. AVMS) ex-post mode must remain the rule. Further ex-post verification measures should be in place to ensure the compliance requirements are present and effective.

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

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?

Breach of intellectual property

Breach of editorial integrity

Breach of the safety of journalistic sources

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

☒ yes

Do you have any further considerations regarding risk assessment procedures?

Risk assessments should be updated with new legal provisions in place

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

Do you have any further considerations regarding the question above?

500 character(s) maximum

Concerning high risk getting ex ante control and no risk getting ex post control, the specifics of media publishing needs to be addressed. Any kind of media publishing must be regulated via ex post control when it comes to utterances. However, when it comes to protection of data, especially in relation to journalistic sources, publishers deal with high risk information and system safety used for this purpose needs ex-ante control.

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

Please specify the AI applications:

New AI applications are continuously being developed. It is important that any new national or European rules governing AI and liability ensure that existing liability rules are upheld so as to ensure proper compensation of right holders and reflect existing rules.

Do you have any further considerations regarding the question above?

500 character(s) maximum

The ACT is concerned that certain reports have outlined the need to reevaluate existing IPR protections in the light of AI applications. AI applications are a means and not an end in themselves. As such we see no need or justification for new exemptions to existing IP rules. As such AI applications should by design respect existing rules, notably in the field of IP and media law, whilst upholding the principle of contractual freedom.

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:

The maximum file size is 1 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed