

Annex to the Consultation on the White Paper on Artificial Intelligence

Re. Question 2.4

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)?

Response Qualcomm:

A risk-based approach is needed to reflect that most AI apps not risky and not related to any high-risk apps or critical infra. Proportionality in the rule setting is key to ensure that innovation and new business models will continue to prosper and opportunity costs are not too high. On the other hand, the ecosystem needs clear guidance on when a technology or app will be defined as high risk to understand when special requirements based on the sensitivity must be implemented.

In principle, we agree with the two cumulative criteria proposed. It will be important to provide clear rules on how the criteria should be applied and nevertheless the criteria should be agile to reflect new developments in this fast-moving technology environment. Existing definitions of “harm” & “risk” that may differ in various sectors must be considered and harmonized where needed. It should be carefully assessed if existing risk assessments, e.g. for privacy, are adequate for AI. The proposed legal framework should also include an ex post, harm-based approach for certain type of risks and AI use cases. Countless algorithms and AI applications will be trivial and not worth disrupting with new rules which a) would be overburdensome thus stifling innovation and hindering AI uptake and b) may have unintended consequences including on consumer protection. It is necessary to ensure high-risk applications are regulated as needed through a legal framework that relies on clear existing or future rules which consider complex features of AI systems.