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

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	☐	☐	☐	☐	☒	☐
Focussing the efforts of the research and innovation community	☐	☐	☐	☐	☒	☐
Skills	☐	☐	☐	☐	☒	☐
Focus on SMEs	☐	☐	☐	☐	☒	☐
Partnership with the private sector	☐	☐	☐	☐	☒	☐
Promoting the adoption of AI by the public sector	☐	☐	☐	☐	☒	☐

Are there other actions that should be considered?
500 character(s) maximum

We believe that the Commission has identified the right course of actions in order to ensure the uptake of AI in the EU. Supporting general education initiatives on AI for citizens, professionals and academics is crucial for AI adoption and safe use. Any investment plan and future regulatory framework for AI should keep as a guiding principle the objective of accelerating and facilitating the development and use of AI.

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	☐	☐	☐	☐	☒	☐
Establish world-reference testing facilities for AI	☐	☐	☒	☐	☐	☐
Promote the uptake of AI by business and the public sector	☐	☐	☐	☐	☒	☐
Increase the financing for start-ups innovating in AI	☐	☐	☐	☒	☐	☐
Develop skills for AI and adapt existing training programmes	☐	☐	☐	☐	☒	☐
Build up the European data space	☐	☐	☒	☐	☐	☐

Are there other areas that should be considered?
500 character(s) maximum

We believe that the uptake of AI will mostly depend on the use of AI supporting technologies that cloud computing capabilities can offer. Public and private organisations need to be able to have easy access to a huge range of ready-to-use AI services helping them to develop, train and deploy their AI systems in order to meet their needs in an efficient way. The revision of the Coordinated Plan should promote procurement policies facilitating access to such cloud computing capabilities.

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	☐	☐	☐	☒	☐	☐

Network of existing AI research excellence centres	☐	☐	☐	☒	☐	☐
Set up a public-private partnership for industrial research	☐	☐	☐	☐	☒	☐

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

500 character(s) maximum

Practical research and development on specific use cases should be supported by EU funding and centers of excellence should promote innovation and foster highest quality/most effective AI. We would welcome EU support and investment to maximize AI accuracy and effectiveness.

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	☐	☐	☐	☐	☒	☐
Provide access to testing and reference facilities	☐	☐	☐	☐	☒	☐
Promote knowledge transfer and support the development of AI expertise for SMEs	☐	☐	☐	☐	☒	☐
Support partnerships between SMEs, larger enterprises and academia around AI projects	☐	☐	☐	☐	☒	☐
Provide information about equity financing for AI startups	☐	☐	☐	☒	☐	☐

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

500 character(s) maximum

Moving to AI cloud services would accelerate and broaden the access, development and use of AI by SMEs. SMEs should have access to the widest range possible of AI technologies which cloud-based offerings are well-suited to provide.

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	☐	☐	☐	☐	☒	☐
AI may breach fundamental rights (such as human dignity, privacy, data protection, freedom of expression, workers' rights etc.)	☐	☐	☐	☐	☒	☐
The use of AI may lead to discriminatory outcomes	☐	☐	☐	☐	☒	☐
AI may take actions for which the rationale cannot be explained	☐	☐	☐	☒	☐	☐
AI may make it more difficult for persons having suffered harm to obtain compensation	☐	☐	☒	☐	☐	☐
AI is not always accurate	☐	☐	☒	☐	☐	☐

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

500 character(s) maximum

AI is not unique in the potential to endanger safety or breach fundamental rights, especially if misused. A distinction should be made between actual risks that are inherent to use of an AI system versus risks that apply to all technology or risks related to intentional misuse of any technology. To assess potential regulatory gaps, the performance of AI systems should be

compared against the performance of non-AI systems and processes, and the benefits and disadvantages of each carefully balanced.

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

Other, please specify

500 character(s) maximum

To best preserve the benefits of innovation, the EU should rely on existing legislations to the extent possible and create AI-specific regulation only to address specific, articulable harms that are not already addressed. The sensitive areas identified in the White Paper as having greatest potential harms (e.g., surveillance, medical diagnosis and treatment, autonomous vehicles) should be reviewed individually and accompanied with policy responses appropriate to the particular application of AI.

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

500 character(s) maximum

Rules applicable to high-risk AI applications should be proportionate and appropriate to specific use cases in order to address the specific-risks associated with such use cases. It would be therefore appropriate to develop new rules within sectorial legislations such as transport or medical devices, as risks are already identified in these. High risk applications should be explicitly defined. Government should determine the consequences of abusing technology.

Do you agree with the approach to determine "high-risk" AI applications proposed in Section 5.B of the White Paper?

☐ Yes

☐ No

☒ Other

☐ No opinion

Other, please specify

500 character(s) maximum

We agree with the general approach that legislation should only apply to high-risk applications. It is critical that any regulation should be specific to the individual use case, and build on existing industry-specific legislation where applicable, to account for the specific-risks associated with the use case/industry. High risk applications should be specifically enumerated so there is no ambiguity over whether regulations may apply.

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

500 character(s) maximum

The sensitive areas identified in the White Paper as having greatest potential harms (e.g., surveillance by law enforcement agencies, medical diagnosis and treatment, autonomous vehicles) should be reviewed individually and accompanied with policy responses appropriate to the particular application of AI.

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	☐	☐	☐	☒	☐	☐
The keeping of records and data	☐	☐	☐	☒	☐	☐
Information on the purpose and the nature of AI systems	☐	☐	☐	☒	☐	☐
Robustness and accuracy of AI systems	☐	☐	☐	☒	☐	☐
Human oversight	☐	☐	☐	☐	☒	☐
Clear liability and safety rules	☐	☐	☐	☒	☐	☐

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:

We have proposed guidelines for a legislative framework that protects individual civil liberties and helps ensure that governments are transparent in their application of facial recognition technology.

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

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

Please specify any other enforcement system:

500 character(s) maximum

We support a combination of (i) ex-ante self-assessment through testing and other methods that accurately measure performance and help mitigate any bias in AI systems and (ii) ex-post enforcement. Accurate tests are important not only to advance the acceptance of AI systems, but also to guide responsible uses of the technology.

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

500 character(s) maximum

Mandatory record-keeping and record-sharing raises significant intellectual property right concerns and presents large potential regulatory burdens. We support consideration of specific, measured requirements for enumerated high-risk AI applications.

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?

500 character(s) maximum

Any proposed regulation should be very clear on safety risks that are inherent to specific uses of AI, versus general risks that may or may not exist depending on how AI is used. Any regulation should be appropriately tailored to specific uses of AI that present clear safety risks meriting extra precautions. Moreover, the performance and safety of AI should be compared against the performance and safety of non-AI systems and processes, and the benefits and disadvantages of each carefully balanced.

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

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

The current liability framework is technology neutral. Therefore, it covers potential risks raised by the use of AI systems. Expanding the scope of the Product Liability Directive to software and AI would mean that the AI producer would be held liable for damages related to uses for which the producer has no control (including malicious use), knowledge, or ability to foresee. Such expanded scope would likely have a profound chilling effect on development and innovation of AI in the EU.

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

500 character(s) maximum

It is important to identify gaps in existing compensatory and liability allocation regimes first before assuming that national liability laws are not sufficient. Providing improved legal guidance on how to interpret these existing national liability rules instead would be helpful, rather than implementing AI-specific adaptations.

Do you have any further considerations regarding the question above?

500 character(s) maximum

Determining who is primarily responsible for negligence or other potential harms associated with use of AI technology is critical so that (i) harmed parties have appropriate avenues for recourse and (ii) the components on the supply chain understand their levels of responsibility and liability. Deployers should be primarily responsible as they are in the better position to make sensible decisions about whether a particular AI system is fit for a given use and implement risk-mitigation processes.

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