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.

About you

* Language of my contribution
  - Bulgarian
  - Croatian
  - Czech
  - Danish
  - Dutch
  - English
  - Estonian
  - Finnish
  - French
  - Gaelic
  - German
  - Greek
  - Hungarian
  - Italian
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  - Slovak
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  - Spanish
  - Swedish

* I am giving my contribution as
  - Academic/research institution
  - Business association
  - Company/business organisation
  - Consumer organisation
  - EU citizen
  - Environmental organisation
  - Non-EU citizen
  - Non-governmental organisation (NGO)

- Public authority
- Trade union
- Other

* Scope
  - International
  - Local
  - National
  - Regional

* Organisation name

255 character(s) maximum

Telenor Group

* Organisation size
  - Micro (1 to 9 employees)
  - Small (10 to 49 employees)
  - Medium (50 to 249 employees)
  - Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the transparency register. 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.

Norway

* 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

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

All the above are important factors to accelerate the development and uptake of AI in Europe. Distinguishing one particular factor will be suboptimal. What is critical is to consider those factors in tandem and invest accordingly, as the investment into one area (e.g., SMEs) without adequate investment into another domain (e.g., skills) will not accelerate growth of AI in Europe.
In addition to the above, large European companies (also with international exposure) are equally important players for stimulating the development and uptake of AI in Europe. Those companies are

the demand market for European SME solutions, and can act as important suppliers of analytics components, including data. Large companies also need to step up in their AI capabilities and product capacity, for which large investments and favourable regulatory climate are needed.
Further, one of the key problems in Europe is that excellent research capacity in some areas of AI (e.g., symbolic AI, case-based reasoning, robotics) remains distributive and creates limited innovation potential. University research stays in the labs, without being commercialized. Innovation centers adjacent to universities lack resources and networks on the commercial side to succeed. The volumes (and appetite) for investments into AI unicorns is very low in Europe. To address that, the EU and the Member States need to step up and fund the translation of research into useful economic and social outcomes. Co-operation between universities and companies need to be supported by measures targeted at creating commercial use cases. Companies of all sizes should be able to participate in the programs of innovation centers.

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 that should be considered?

500 character(s) maximum

Investments into AI research and business capacity may be subject to Member State strategic AI focus (e.g., prioritized growth sectors), where coordination and joint investments at the EU level may be suboptimal. For example, in some Member States the volume of startups maybe relatively low, and the importance of large industries in leveraging innovations may be more important. The strategic importance of economic sectors where AI can accelerate growth also vary. Instead, the Coordinated Plan among the Member States should be targeted at accelerating global AI research and innovation programs where European interests are at stake, such as fighting climate change, accelerating digital workforce and

preventing epidemiological diseases.

Coordinated action may also help to ensure easy application of privacy/GDPR protection, which is needed for successful and trusted development, deployment and use of AI.

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

Europe needs to secure the level of public R&D funding to facilitate longterm research. Large research projects can not operate with annual funding, but need longer backing. For that, we believe that the European AI lighthouse research centre(s) will strive as a decentralized solution, driven by a well coordinated mission and strategic AI research and innovation agenda at the EU level. The establishment of one (or few) large world class AI research centres in Europe may be suboptimal (due to different political and economic interests of the Member States) and the investments may not bring highest returns on research and innovation outputs.

Further, it is not enough to connect existing AI research centres, but it is also necessary to create new ones, and be more adept to changes in AI methods and applications and rapidly evolving AI research and innovation community needs.

Public-private partnerships for industrial research need to be strengthened. More aggressive financial instruments for AI research-based innovation beyond Technology Transfer offices at the universities should be encouraged.

Investments into anotated and easily accessible public data sets for AI research and innovation purposes need to be in place.

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 aracter(s) maximum

Raising more awareness about the benefits of AI to SMEs, large public and private companies and society at large is crucial and should be prioritized by the European Commission and Member State authorities. More awareness would help to build a more positive image of AI and ensure its wider use. The difficult ethical questions and dilemmas about the deployment and use of AI should be discussed, but fears should not prevent the everyday use of AI, which is still largely the case in Europe.

Equity financing for AI startups, scaleups, SMEs should be part of the Digital Innovation Hub (DIH) mandate. Medium and large companies as well as public sector organizations should have equal and easy access to DIHs, also because they represent high innovation potential and a demand (and supply) market for SME AI solutions in Europe.

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

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

500 character(s) maximum

We recognize that AI may pose concerns related to performance and trustworthiness. However, the extent of the concern depends on context – the use case, technology used, development and deployment protocols etc. Additionally, some concerns may already be address through existing laws and regulation. Therefore it is not possible to distinguish the importance of any one concern set out above. Our response above also does not distinguish between the relative importance of the concerns raised.

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

In some cases we believe the current legislation is general enough to cover risks related to AI. However, a detailed assessment is needed of how existing laws address risks related to AI to specify

and identify any gaps. Such a gap analysis should not only focus on existing uses, but also look forward in order to capture future developments. The outcome of such an assessment will help identify how to make changes that are necessary, proportionate and that avoid stifling innovation in AI systems/applications developments. However, as a matter of principle we would caution against the use of a technology specific regulatory instrument that applies specifically to AI considering that the above mentioned concerns may arise in connection with other emerging technologies. Here we would also reference the use of sandboxing as an instrument to test AI applications in a controlled environment. The Norwegian Data Protection Authority (Datatilsynet) has recently introduced such an approach, see press release (in Norwegian): https://www.datatilsynet.no/aktuelt/aktuelle-nyheter-2020/regulatorisk-sandkasse-for-utvikling-av-ansvarlig-kunstig-intelligens/). The aim of the Norwegian DPA's sandbox is to increase knowledge and insight into AI solutions, and to make it easier to identify potential risks at an early stage. Existing regulatory procedures are slow whilst technology is developing rapidly. A need for change of regulatory procedures has been a topic for decades. In order to avoid stifling effect on innovation and legal uncertainty caused by overly specific regulation or a lack of regulation, we propose that ex-ante regulation focuses on codifying basic principles of law that represent the general consensus on basic society understandings, irrespective of AI. This would provide clear guidelines to the legislative, executive and judiciary branches, businesses and consumers, on how AI-related issues (or other) are to be interpreted even if a certain scenario or application is not specifically considered in existing legislation. We believe that such a general legislative approach in addition to existing and developing regulation, combined with practical instruments between the public and private sectors (such as sandboxing) will provide the necessary legal certainty whilst ensuring flexibility for future adaptations.

Regarding the protection of personal data, in our view the GDPR is technology agnostic and it should also cover the use of AI. There are some areas in the GDPR where there is a need to increase legal certainty about how it should be applied (e.g. guidance as to the level of detail in applying the transparency requirement, meaning of the fairness principle in practice, interpretation of the purpose limitation and data minimization principles – in the AI context).

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

We agree that any regulation should be risk based and there must be some defined limit to which any new rules apply. However, this would require a more detailed definition of "high risk" sectors and "high risk" AI applications.

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

In our view, “high-risk” has not adequately been defined in the White Paper. The concept of risk can take various forms but we can as a minimum distinguish between the probability of a specific event and its potential impact. The definition of risk should also be linked to the gap analysis as discussed above. We would also suggest that the Commission define/list the principles of risk, those that are to be avoided and how these differ from risks identified elsewhere in legislation instead of focusing on certain ‘high-risk’ sectors. However, should the the Commission decide to commit to its suggested cumulative criteria of (1) ‘high-risk’ sectors and (2) ‘high-risk’ applications of AI in those sectors as set out in the White Paper we would suggest that criterion (2) requires further specification. It should be clear why certain sectors and applications specifically pose a direct risk of damage, death or significant physical or non-physical harm to people.
Further, the Commission’s intention to periodically review the list of ‘high-risk’ sectors could increase legal uncertainty for all sectors that are not placed under the ‘high-risk’ category, which could negatively influence their investments plans. Therefore review periods have to be appropriate and the principles that identify a sector or application as “high risk” should be clearly defined, e.g. by specifying the “significant” impact on affected parties or other “exceptional instances”. The White Paper considers significant risks from a very broad viewpoint of safety protection, consumer rights and fundamental rights. Overall the current approach as set-out in the White Paper is not suffient and creates legal uncertainty.

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

500 character(s) maximum

[no answer]

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

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:

Use of biometric identification systems is sufficiently regulated through GDPR. Guidance is needed on how to apply the regulation in this area .

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

In our view the suggested possibility for AI solutions that are not "high-risk" to be subject to voluntary labelling is not helpful and risks becoming a de facto standard for market access.

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 believe some balance between ex ante and ex post enforcement mechanisms will be required. Where the exact demarcation lies must be subject to more thorough (gap) analysis as stated above and a more thorough definition of risk.

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

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

Ensuring the safety of AI, IoT and robotics is important to maintain consumer trust. We note that these risks are not specific to the above-mentioned technologies hence a more horizontal approach is required to product safety.
With regard to loss of connectivity we acknowledge that an increasing amount of products will have a connectivity element. As providers of connectivity we submit that we will not necessarily be in full control of the connectivity element. For example, best effort internet access does not provide end-to-end quality of service guarantees. It is, however, possible to provide connectivity that has a quality of service feature (specialized service) and that can be protected from loss of connectivity. This distinction between different connectivity types and their features needs to be made clear. If connectivity is essential for the safety of a specific service, producers should take this into account.
In order for legal certainty to be effective for all stakeholders, including consumers, we must keep in mind that AI, IoT and robotics are ever developing tools with a vast range of possible applications. Regulation should stress basic principles such as the basics for evaluation of cause and effect, the polluter pays principle, information requirements for producers, distributors, sellers, etc. on the one side and customary use on the other, etc.

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

In some cases AI models will evolve over time, require updates and hence requirements for a reassessment of risk is appropriate. This should be the actor in the value chain best positioned to address risk e.g. the producer. The legal framework should provide certainty to producers and deployers about the changes that trigger reassessment, the economic operator responsible for reassessment and should stress the need for collaboration between the producer, the deployer and any additional actor in the value chain.

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 Product Liability Directive ensures a high consumer protection standard (strict liability). The use of emerging technologies such as AI with their complex value chain and potential black box effects could make it more difficult for consumers to carry the burden of proof. In case a review of the Product Liability Directive is considered, it should not result in a technology(AI) specific regime. The Commission's own analysis shows that technological developments other than AI (e.g. software, connectivity) also challenge product liability systems.The regime should rather be technology agnostic and horizontal covering AI and other emerging technologies. More clarity about the liable economic operator would be beneficial, considering the complexity of the value chain.

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

Please specify the AI applications:

Technological development should not make it more difficult for consumers to claim damages if they suffer physical or material harm. Any adaptation of national liability regimes should avoid a fragmented outcome, which would ultimately increase the costs of producers and users and would result in uncertainty for consumers.

Do you have any further considerations regarding the question above?

500 character(s) maximum

Our comments regarding increased use of connectivity in products apply here as well. Connectivity providers should not be held liable for damages resulting from loss of connectivity of

products where producers did not make the necessary considerations regarding quality of service guarantees.

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