

RELX welcomes the opportunity to provide feedback on the European Commission's Inception Impact Assessment for a legislative initiative on artificial intelligence (AI).

[RELX](#) is a global provider of information-based analytics and decision tools for professional and business customers across a range of sectors, including financial services, science, technology, medical, healthcare and energy. We employ 33,000 people worldwide and support customers in 180 countries. We utilise technology and data to help our customers improve their decision making across the sectors we serve. We help scientists make new discoveries, doctors and nurses improve the lives of patients, lawyers win cases, prevent online fraud and money laundering and insurance companies evaluate and predict risk. AI is a key interest for RELX's businesses. With an annual investment of €1.2 billion into technology and with 9,000 technologists employed, RELX is both a significant consumer and developer of the latest technologies, including techniques which fall within the broad definition of Artificial Intelligence. Our technology is developed across the world, with a significant number of our data scientists and developers in Europe, with tech hubs in London and Amsterdam.

We fully agree with the overarching objective laid out in the Inception Impact Assessment to *"ensure the development and uptake of lawful and trustworthy AI across the Single Market through the creation of an ecosystem of trust."* Through promoting the development and uptake of AI while addressing the risks it may bring, Europe can reap the benefits of these technologies for society.

RELX agrees with the Commission on the importance of data quality. This is particularly important in the healthcare context, where the quality and accuracy of information has implications for patient safety. The best way to ensure that there is continued investment in high-quality content and a robust defence against illicit or poor-quality content, is through having a strong copyright and intellectual property (IP) regime. The EU must continue to develop an IP framework which incentivises investment in the curation and dissemination of authoritative and reliable information, which forms the essential building blocks for AI systems, and in turn leads to trustworthy systems.

As a set of technologies, AI is not in itself harmful, but when deployed in certain contexts risks may arise. The regulatory approach should be risk-based, with high-risk applications subject in principle to stricter requirements. Key to mitigating risks stemming from AI is keeping human involvement as a prerequisite for high-risk applications. RELX believes that the determination of risk should be undertaken by those closest to the AI-application of a product, rather than by an external regulatory body. The regulator should assist companies with their assessments, provide a consultative role in the event of concerns or failures and periodically audit and review self-assessment procedures. This approach should be preferred over a potential ex-ante assessment by the regulator, which may be overly prescriptive and represent an excessive burden for whichever organisation is tasked with approving AI applications. Additionally, requirements tailored to the level of risk will help minimise compliance costs which, as the Inception Impact Assessment recognises, could be significant in case of a horizontal policy intervention.

Whilst regulatory gaps might exist, we would suggest to assess first whether amendments to existing rules (e.g. product liability, civil liability, GDPR) would be both more effective and sufficient. This would provide greater legal certainty by preventing any potential overlaps caused by a new horizontal AI-regulatory framework. Even in those instances where AI presents a unique challenge, wider principles should not be replaced with new rules where the fundamental underlying issues are already addressed by existing EU law. The Commission's Inception Impact Assessment itself acknowledges that existing EU legislation is relevant and that gaps only may occur in the future. The extent of this gap should be carefully considered before the Commission's policy instrument is chosen.

RELX believes that a valuable approach to conformity/safety assessments would be to import the 'prior consultation' concept from the GDPR. This would enable companies to conduct a self-assessment against the new regulatory requirements and mitigate any potential risks. This approach in GDPR has led to a voluntary change in the way organisations think about data protection, fully incorporating it into their governance and accountability structures. We believe such an approach can have the same benefits for AI applications. Compliance should focus on standards, rather than on the geographical location of data. With regards to voluntary labelling schemes, RELX believes that while promoting trust, they can add significant burden to companies and quickly become ineffective when applied to so such a broad field as AI. The assumption that increased regulatory requirements leads to greater compliance which yields more societal trust in AI-applications and therefore could be an economic advantage for AI-deployers seems rather one-sided. It is important to maintain a balance between the level of compliance and the least amount of costs when considering the economic impact of policy interventions.

RELX stands ready to further engage with the Commission on this important topic. We are fully committed to ensure Europe capitalises on the AI potential while addressing valid concerns and look forward to continuing the discussion with the Commission.

September 2020