



*Commission of the Bishop's Conferences of the European Union*

*June 2020*

**Annex to the public consultation on the White Paper on Artificial Intelligence  
– A European Approach**

COMECE welcomes the general approach of the White Paper on Artificial Intelligence to establish a solid European approach of Artificial Intelligence (AI) grounded in values and fundamental rights as human dignity and privacy protection. It is important to **underline the human-centric approach of AI in the EU**. AI has to serve the common good. **AI has to serve the lives of all human beings**. It has to be considered that human life not only has a personal dimension but also a community dimension - community in its human, universal dimension.

**Clear definition of AI**

COMECE calls for a clarification of the term "Artificial Intelligence".

Artificial Intelligence must be clearly differentiated from human conduct.

The Christian perspective sees the human person as qualitatively different from other beings, with a transcendental dignity, intelligent and free and capable, therefore, of moral acts.

AI systems are not free in the sense the human person is and, in this sense, its act cannot be judged according to the moral criteria that are applied to human acts.<sup>1</sup>

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<sup>1</sup> Statement of the Pontifical Academy of Sciences

<http://www.pas.va/content/accademia/en/events/2019/robotics/statementrobotics.html>

The White Paper on AI calls for a definition of AI with enough flexibility to accommodate technical progress while being precise enough to provide the necessary legal certainty. We support the approach that “data” and “algorithm” are the main elements of AI and that humans determine and program the goals which an AI system should attain.<sup>2</sup>

### **Ecosystem of excellence**

Excellence can only be established by developing skills and capacities of all stakeholders involved. The societal challenge of regulating Artificial Intelligence systems has to be accompanied by a broad ethical discourse. An overall view is needed about the relation between the human being and AI systems shaping our societies – including all perspectives of informatics, mathematics, philosophy and ethics.

The EU should establish respective structures for such a broad interdisciplinary discourse into the existing EU structures and programmes – as effective and concrete as possible. The framework of the new research programme Horizon Europe and the revised Coordinated Plan on AI would be possible tools for establishing a permanent socially ethical discourse accompanying the political discussion of regulating AI.

### **Ecosystem of trust**

COMECE welcomes the approach based on new compulsory requirements limited to high-risk applications of AI. However, the scale to which this approach would be applied raises questions. The Commission suggests a risk-based approach consisting of two cumulative criteria.

- a.) The AI application is employed in a sector where significant risks can be expected to occur; and
- b.) the AI application is used in such a manner that significant risks are likely to arise.

We are not convinced that a sector in itself should be seen as more high-risk and other sectors should not.

To ensure full legal certainty we would suggest a system based on the examination of whether a certain AI application is used in a manner causing significant risks. In other words, for every AI application a single case analysis should be taking place.

The establishment of a risk-adapted regulatory system for the use of AI applications could be foreseen for:

- > applications with some potential for harm
- > applications with regular or significant potential for harm
- > applications with serious potential for harm
- > applications with an untenable potential for harm.

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<sup>2</sup> White Paper on Artificial Intelligence , Scope of a future EU regulatory framework, p.16

Different consequences of regulation for each application could refer to the different level of the risk-adapted regulatory system.<sup>3</sup>

### **European Governance:**

Avoiding a fragmentation of regulating AI systems in different EU Member States it will be necessary to establish independent public coordination boards to act as a supervisory authority. Each national supervisory authority shall also carry the responsibility of regulating the governance of these technologies. They therefore have an important role to play in promoting the trust and safety of Union citizens, as well as in enabling a democratic, pluralistic and equitable society.<sup>4</sup>

In its contribution to the 2017 European Parliament consultation on Robotics and Artificial Intelligence, COMECE expressed perplexity on the possible creation of a new dedicated EU Agency, as robotics is an extremely sectorial domain that can be covered in broader contexts (e.g. innovation and technology); and it is important to curb excessive multiplication of Union structures. We would like to restate that in our view, the current key structures of the EU ensure sufficient support for addressing AI and robotics challenges.

We agree with the idea expressed by the Commission that fragmentation should be curbed and in this specific case a regulation would arguably be the preferable legal tool. While avoiding over-regulation, high legal certainty is to be valued and it will benefit both users and European businesses, which need to operate in a clear legislative framework to be competitive. Predictability is key, both for producers and consumers.

Should the EU opt for the establishment of some kind of coordination body devoted to AI, we would agree with the statement made in the White Paper that the "...governance structure *should guarantee maximum stakeholders participation*" and that "*Stakeholders... should be consulted on the implementation and the further development of the framework*" (page 25). We note with disappointment the absence of references to Churches, which have a specific status as partners of the EU institutions (Article 17 TFEU) and should be explicitly mentioned in this context. COMECE is obviously ready to take part in the relevant activities should this context be activated.

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<sup>3</sup> See Opinion of the Data Ethics Commission Germany  
[https://www.bmjjv.de/SharedDocs/Downloads/DE/Themen/Fokus Themen/Gutachten\\_DEK\\_EN.html;jsessionid=906153866554E1C8D819CB8F2CE00B1D.1\\_cid324?nn=11678512](https://www.bmjjv.de/SharedDocs/Downloads/DE/Themen/Fokus Themen/Gutachten_DEK_EN.html;jsessionid=906153866554E1C8D819CB8F2CE00B1D.1_cid324?nn=11678512)

<sup>4</sup> See also European Parliament ,draft report on a framework of ethical aspects of AI, robotics and related technologies  
[https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=&reference=2020/2012\(INL\)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=&reference=2020/2012(INL))

## **Elements on Fundamental Rights**

### **a. Liability**

Discussions on liability and AI/robotics have accelerated and deepened at a quick pace in especially in the last three years. They have shown the need for sound legal solutions, proving the necessity for adjustments to the EU legislative framework.

We warmly welcome the fact that the approach based on legal personality for robots/AI has been definitely discarded. However, possible integrations to the current EU legal framework might be necessary to make sure the solutions on liability vis-à-vis AI is effective.

Among the points which might be worth considering, we would highlight the following.

- Considering the complexity and close interconnection of different technologies in the AI context, we see the need to carefully assess whether an update is necessary for the provision that leaves up to national legislation to regulate liability of others in the supply chain, which can lead to fragmentation and incoherences.
- We would advise against any distinct liability regimes and rules based on the different extent/level of autonomous functioning of AI/robots: this option could lead to legal uncertainty due to the doubts that could easily arise in the classification of each case. In this context, we would caution against using terms like "autonomy" and "behaviour" in relation to AI, as these concepts are typical of a human person (entailing reason, choice, freedom).
- To strengthen the EU legal framework, the explicit inclusion of "software" in the definition of "product" in Article 2 of the Product Liability Directive should be considered, as this point has raised uncertainty, in particular due to the difficulty of classifications of certain softwares as products or services.
- Inclusion of clear requirements concerning transparency, as this aspect has important implications for the effectiveness of liability rules (e.g. on burden of proof). The reversal of the burden of proof, at least in certain specific cases, could prove helpful, including in link with compliance to transparency obligations.

In general, on the issue of liability, we commend the excellent study prepared by Professor Nevejans for the European Parliament Research Service on "European civil law rules in robotics" (2016).

### **b. Safety**

As hinted at in the accompanying Report (pages 8-9), new provisions on *human oversight* in the context of AI self-learning products and systems should be considered with regard to Union product safety legislation. This is also in line with COMECE's emphasis on a human-centered approach to AI.

We would see merit in the Accompanying Report's suggestions at page 11 of "*Additional obligations... for manufacturers to ensure that they provide features to prevent the upload of software having an impact on safety during the lifetime of the AI products*" and of "*explicit provisions specifically requesting cooperation between the economic operators in the supply chain and the users could provide legal certainty in perhaps even more complex value chains*".

The White Paper also raises at page 14 the issue of coverage of services. The extension of General EU safety legislation, at least to high-risk services as a first step, should be assessed, so as to overcome some of the difficulties and uncertainties.

#### **c. Algorithms**

We would support a certain degree of algorithm transparency requirements, also to facilitate public scrutiny and accountability. Recommendation CM/Rec(2020)1 of the Council of Europe's Committee of Ministers to member States on the human rights impacts of algorithmic systems is to be recalled and supported<sup>5</sup>.

#### **d. Children**

COMECE would like to highlight that the most vulnerable actor in the context of AI use and application is the child. An eventual comprehensive EU legal text concerning AI should contain strong clauses in this regard. Inspiration could, *inter alia*, be drawn from the provisions of the Audiovisual Media Services Directive that protect minors' physical, mental or moral development from any impairment/detriment. Provisions on dialogue with relevant stakeholders, in particular with parents and family associations, is also recommended.

In line with what is stated above, should any clause be inserted in a future EU legislative framework to have "*Explicit obligations for producers of, among others, AI humanoid robots to explicitly consider the immaterial harm their products could cause to users, in particular vulnerable users*" (accompanying Report page 8) this should cover "elderly persons in care environments" but also other key vulnerable users, such as children.

In the 2017 EP consultation on AI and robotics COMECE expressed appreciation for the work done by the Commission in supporting national authorities with regard to connected toys, in relation to the need to ensure that they guarantee full respect for the privacy and security of children. This is more generally valid and relevant for other applications that are used by children: in this context we appreciate the reference in the accompanying Report (page 5) to the risks deriving from a national case affecting children.

#### **e. Protection of personal data**

AI technologies are sophisticated and obviously need to draw on the processing of a wealth of data to be effective. However, they can also prove particularly aggressive with regard to data collection and intrusion in citizens' privacy.

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<sup>5</sup> [https://search.coe.int/cm/pages/result\\_details.aspx?ObjectId=09000016809e1154](https://search.coe.int/cm/pages/result_details.aspx?ObjectId=09000016809e1154).

From our point of view, this makes requests for broad flexibility when it comes to applying the GDPR to AI difficult to justify.

With regard to the indications provided by the GDPR, we consider the principles outlined in its Article 5 GDPR as particularly relevant for the AI sector, especially the ones of lawfulness, fairness and transparency; data minimisation; integrity and confidentiality; and accountability.

A close monitoring of compliance with Art. 22 GDPR in the Member States is also particularly relevant for the AI sector. When it comes to profiling based on data concerning a person's religion, we would like to stress that the issue equally affects any believer, regardless of his/her belonging to a "majority" or "minority" and that therefore relevant considerations cannot be restricted to the latter.

Human control should remain at the center of AI use. This also plays a role in ensuring a coherent and compliant approach when it comes to upholding high data protection standards.

The European Data Protection Board's continued support to the Commission on this point will also be important.

On facial recognition technologies we would support a focus on the strict application of GDPR standards to the issue, while welcoming the possibility of exchanges and discussions on the topic. As correctly underlined by the EU Agency for Fundamental Rights (FRA) in its comprehensive paper on *Facial recognition technology: fundamental rights considerations in the context of law enforcement*<sup>6</sup>: "*Working with new AI-driven technologies, which are not yet fully understood and where not much experience has yet been gathered, requires the involvement of all relevant stakeholders and experts from different disciplines*". Further EU guidance on Biometric identification systems would of course prove useful.

### **Fight against money-laundering**

For COMECE and its member Bishops' Conferences it is important that the use of AI in view of the (desirable) fight against financial crimes - especially money laundering - does not lead to a "society of control" and to undue interference in the organisation of Churches and charitable organisations. It is crucial to balance transparency with privacy and autonomy. This is especially true in the context of an increased recourse to AI in countering these phenomena.

### **AI and military systems**

Even though the development and use of **AI for military purposes** is excluded from the scope of the White Paper, we reiterate the call on the EU to **ban completely autonomous armed**

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<sup>6</sup> <https://fra.europa.eu/en/news/2019/facial-recognition-technology-fundamental-rights-considerations-law-enforcement>.

**systems without human supervision for their critical functions**, and to work towards the start of **international negotiations on a legally binding instrument prohibiting lethal autonomous weapon systems**.

### **AI and cyber- security**

The use of AI may not only bring **innovative and effective tools** enhancing security in a digital environment, but it may also open up **new vulnerabilities**. AI algorithms could be manipulated and, with the Internet of Things, lead to **faster and more destructive attacks on critical infrastructures**.

In the context of digital diplomacy, the **misuse of AI** can potentially have far-reaching **consequences for the democratic order**, for example, through an **uncontrolled spread of disinformation** or through **external influences** exercised by foreign state, economic or other non-state actors.

In this context, we encourage the EU, in particular, to:

- define **specific mandatory requirements** for particularly risky AI technologies **against cyber-threats** affecting public and citizens' safety
- support **capacity-building** in view of strengthening the **resilience** of **critical infrastructures**, as well as of **businesses** and **citizens** against AI-induced security challenges
- scrutinise the **role of private companies** and of the **actual beneficiaries of the effective final control** regarding the collection and analysis of personal data

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

Fields marked with \* are mandatory.

## Introduction

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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 be provided in one of the following languages:

[BG](#) | [CS](#) | [DE](#) | [DA](#) | [EL](#) | [EN](#) | [ES](#) | [ET](#) | [FI](#) | [FR](#) | [HR](#) | [HU](#) | [IT](#) | [LT](#) | [LV](#) | [MT](#) | [NL](#) | [PL](#) | [PT](#) | [RO](#) | [SK](#) | [SL](#) | [SV](#)

Written feedback provided in other document formats, can be uploaded through the button made available at the end of the questionnaire.

**The survey will remain open until 14 June 2020.**

## About you

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\* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- 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

\* First name

Friederike

\* Surname

Ladenburger

\* Email (this won't be published)

ethica@comece.eu

\* Organisation name

*255 character(s) maximum*

COMECE ( Commission of the Bishop's Conferences in the European Union)

\* 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.

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- Albania
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- El Salvador
- Madagascar
- São Tomé and Príncipe
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- Equatorial Guinea
- Malawi
- Saudi Arabia
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- Eritrea
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- Ethiopia
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- Sierra Leone
- Armenia
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- Martinique
- Sint Maarten
- Australia
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- Austria
- Finland
- Mauritius
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- Azerbaijan
- France
- Mayotte
- Solomon Islands
- Bahamas
- French Guiana
- Mexico
- Somalia
- Bahrain
- French Polynesia
- Micronesia
- South Africa
- Bangladesh
- French Southern and Antarctic Lands
- Moldova
- South Georgia and the South Sandwich Islands
- Barbados
- Gabon
- Monaco
- South Korea
- Belarus
- Georgia
- Mongolia
- South Sudan
- Belgium
- Germany
- Montenegro
- Spain
- Belize
- Ghana
- Montserrat
- Sri Lanka
- Benin
- Gibraltar
- Morocco
- Sudan
- Bermuda
- Greece
- Mozambique
- Suriname
- Bhutan
- Greenland
- Myanmar /Burma
- Svalbard and Jan Mayen
- Bolivia
- Grenada
- Namibia
- Sweden
- Bonaire Saint Eustatius and Saba
- Guadeloupe
- Nauru
- Switzerland
- Bosnia and Herzegovina
- Guam
- Nepal
- Syria
- Botswana
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| ● Brunei                         | ● Haiti                             | ● Nigeria                  | ● Timor-Leste                          |
| ● Bulgaria                       | ● Heard Island and McDonald Islands | ● Niue                     | ● Togo                                 |
| ● Burkina Faso                   | ● Honduras                          | ● Norfolk Island           | ● Tokelau                              |
| ● Burundi                        | ● Hong Kong                         | ● Northern Mariana Islands | ● Tonga                                |
| ● Cambodia                       | ● Hungary                           | ● North Korea              | ● Trinidad and Tobago                  |
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| ● Canada                         | ● India                             | ● Norway                   | ● Turkey                               |
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| ● Central African Republic       | ● Iraq                              | ● Palau                    | ● Tuvalu                               |
| ● Chad                           | ● Ireland                           | ● Palestine                | ● Uganda                               |
| ● Chile                          | ● Isle of Man                       | ● Panama                   | ● Ukraine                              |
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| ● Cocos (Keeling) Islands        | ● Japan                             | ● Philippines              | ● United States Minor Outlying Islands |
| ● Colombia                       | ● Jersey                            | ● Pitcairn Islands         | ● Uruguay                              |
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### \* 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](#)

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

## **Are there other actions that should be considered?**

*500 character(s) maximum*

COMECE welcomes the objective of building up an ecosystem of excellence by developing the necessary skills of all stakeholders involved.

But it is important to see that we still have a lack of a broad social - ethical discussion. Europe needs an overall assessment how Artificial Intelligence should be promoted and regulated serving the common good and putting the human person into the center.

Parallel to each EU activity concerning AI we need an accompanying ethical discourse.

### **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"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Establish world-reference testing facilities for AI	<input type="radio"/>	<input type="radio"/>	<input checked="" 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"/>	<input checked="" type="radio"/>	<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 checked="" 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 checked="" type="radio"/>	<input type="radio"/>
Build up the European data space	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

## **Are there other areas that that should be considered?**

*500 character(s) maximum*

Implement into a revised Coordinated Plan on AI also the possibility of a broad ethical discussion. Strengthening the excellence in research should include a broad scientific approach. The main goals of the Coordinated Plan on AI to encourage synergies and cooperation across the EU, should include an accompanying discourse on ethics of AI and could give visibility to different national social ethical specificities - respecting national competences for regulating ethical aspects.

## **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	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" 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 checked="" 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 checked="" 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*

COMECE suggests a close link between the above proposed actions and the existing EU programs like Horizon Europe. The third pillar of the Horizon Europe program will establish a strong role of the European Innovation Council and the European Institute of Innovation and Technology. It would be helpful to establish synergistic effects between AI lighthouse research centre and AI research excellence centers and these elements of the new Horizon Europe framework.

## **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 checked="" 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 checked="" 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 checked="" 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"/>	<input type="radio"/>	<input checked="" 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 checked="" type="radio"/>	<input type="radio"/>

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

*500 character(s) maximum*

The Digital Innovation Hubs should be connected closely with the concept of European partnerships of the framework of Horizon Europe. The objective to link the private sector, foundations and other stakeholders of the European partnerships could give a deep possibility to integrate the Digital Innovation Hubs into the existing research landscape. With such a broader interdisciplinary connection it could be easier to establish more excellence of the ethical reviewability of AI systems.

## **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 checked="" type="radio"/>	<input type="radio"/>
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"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The use of AI may lead to discriminatory outcomes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
AI may take actions for which the rationale cannot be explained	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
AI may make it more difficult for persons having suffered harm to obtain compensation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
AI is not always accurate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

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

500 character(s) maximum

AI may lead to environmental damage. High energy consumption of "server farms" as well as of connection and transmission technology are problematic. At the same time, the computer capacity is growing due to a steady expansion of the application areas of artificial intelligence, which in turn leads to an increased energy demand. AI in the context of sustainability is an important concern and has to be tackled by the EU.

**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

**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*

COMECE welcomes the approach based on new compulsory requirements limited to high-risk applications of AI. But we are not convinced by the suggested risk-based approach consisting of two cumulative criteria. To ensure full legal certainty we would suggest a system based on the examination of whether a certain AI application is used in a manner causing significant risks. In other words, for every AI application a single case analysis should be taking place.

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

*500 character(s) maximum*

AI applications influencing democratic processes, AI applications in the administration of justice , border patrol by unmanned mobile robots, care robots in the health care sector

**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	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The keeping of records and data	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Information on the purpose and the nature of AI systems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Robustness and accuracy of AI systems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Human oversight	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Clear liability and safety rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<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:**

- 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:

On facial recognition technologies we would support a focus on the strict application of GDPR standards to the issue, while welcoming the possibility of exchanges and discussions on the topic. The principles of Article 5 GDPR are particularly relevant for the AI sector, especially the ones of lawfulness, fairness and transparency; data minimisation; integrity and confidentiality; and accountability. Further EU guidance on biometric identification systems would be useful underlining the principles of proportionality, necessity and limitation based on purpose.

### **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*

A voluntary labelling system would be only useful when certification bodies would realize an external conformity assessment. These certification bodies have to fulfill all relevant requirements to carry out conformity assessment.

### **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

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

*500 character(s) maximum*

Establishing a risk-adapted regulatory system for the use of AI applications could be foreseen for: > applications with some potential for harm > applications with regular or significant potential for harm > applications with serious potential for harm > applications with an untenable potential for harm.  
Different consequences for each application could refer to the different level of the risk-adapted regulatory system: from an ex-ante approval procedure to a partial ban of the application.

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

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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*

AI could cause a risk for the legal self - determination .The personal data of vulnerable and care-dependent persons can be in danger and consideration should be given to clarifying in the relevant legal provisions on living wills that these may also include dispositions with regard to the future processing of personal data as far as such processing will require the care-dependent person's consent (e. g. for dementia patients who will not be in a position to provide legally valid consent).

**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*

The current product safety legislation does not fit for "services". It is important to tackle the issue of coverage of services. The extension of General EU safety legislation, at least to high-risk services as a first step, should be assessed, so as to overcome some of the difficulties and uncertainties. For these AI applications it is important to establish an external assessment which combines an ex- ante and an ex- post assessment of the application.

**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*

**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:

Humanized robots in the care sector to support nursing staff taking care of elderly people

**Do you have any further considerations regarding the question above?**

*500 character(s) maximum*

The use of care robots in nursing homes have to be regulated under a strict focus of transparency. The respective use has to be visible, predictable and terminable for each person who is supervised by an AI system of a care robot. Human oversight is most important for these AI applications and the danger of deception has to be reduced.

**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:**

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## **Contact**

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