

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.

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

1.2 Are there other actions that should be considered?

Global cooperation to ensure Europe benefits from trusted AI developed overseas but also that AI developed in Europe can cross borders without diverse obligations burdening SMEs. Lowering entry barriers to SMEs, through increased data availability and quality, as this is critical to training and design of AI. Training in cybersecurity as well as overall AI skills (incl. collaborative, soft & ethic skills) to improve broader societal understanding, embrace opportunities & address concerns.

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.

1.3 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="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Establish world-reference testing facilities for AI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Promote the uptake of AI by business and the public sector	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Increase the financing for start-ups innovating in AI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Develop skills for AI and adapt existing training programmes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Build up the European data space	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1.4 Are there other areas that should be considered?

All areas can be seen as equally important, but some should be prioritized in the short term. Beyond common infrastructures, the build-up of the European data space requires a number of actions around the availability and quality of data (incl. curating and evaluating against risk of biases). Genuine willingness by Member States to contribute to this initiative will be paramount to its success and consequently to the AI uptake across Europe.

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.

1.5 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="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Network of existing AI research excellence centres	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Set up a public-private partnership for industrial research	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

A coordinated network among existing AI research excellence centres should be prioritised over creating a new one. This network needs to: create a leadership structure to ensure coordination and coherent operation, agree on a vision regarding the focus and priorities beyond national borders and provide continuous financial investment at the necessary level. AI funding be prominent in Horizon Europe, for core AI research plus AI components in research projects and relevant open source projects.

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.

1.7 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="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Provide access to testing and reference facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Promote knowledge transfer and support the development of AI expertise for SMEs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Support partnerships between SMEs, larger enterprises and academia around AI projects	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Provide information about equity financing for AI startups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

SMEs & start-ups need to be supported in developing, accessing and using AI. Their variety and divergence in terms of digital literacy, sector of activity and size create different needs. Digital Innovation Hubs should provide point of contacts as well as services and tangible support in SMEs' transformation, incl. helping assess what technologies to adopt & advising

how to implement them. Legal certainty and simple rules are key, within a proportionate principles-based regulatory framework.

SECTION 2 – AN ECOSYSTEM OF TRUST

Chapter 5 of the White Paper sets out options for a regulatory framework for AI.

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

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

All concerns must be weighed against possibilities of AI for improvement, plus be linked with type of risk and context. Explainability and Accuracy's importance vary greatly per sector and use case (e.g. healthcare), and can improve strongly with research. Data/model quality issues can be detected & addressed. A strong liability framework should be risk-based and clearly allocate responsibility among the AI chain operators.

2.3 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

2.4 If you think that new rules are necessary for AI system, do you agree that the introduction of new compulsory requirements should be limited to high-risk applications (where the possible harm caused by the AI system is particularly high)?

- Yes
- No
- Other
- No opinion

(If “yes” clicked) 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

We agree with the general approach but clear application rules are key. “Use” should weigh more heavily in the assessment and more granularity is needed within sectors, while consulting relevant stakeholders. Other criteria may also be considered (e.g. likelihood, level of oversight). Existing definitions of “harm” & “risk” that may differ in various sectors must be taken into account. Similarly, existing (sector) risk assessments may need to be reviewed and adapted for AI use cases.

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

See our separate paper for more detailed comments.

2.6 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
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The quality of training data sets	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The keeping of records and data	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Information on the purpose and the nature of AI systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robustness and accuracy of AI systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Human oversight	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clear liability and safety rules	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2.7 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:

See our separate paper for more detailed comments.

2.8 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

2.9 Do you have any further suggestion on a voluntary labelling system?

A voluntary labelling system for AI systems that are not considered high-risk could have a complementary role in the future. But the development of such a system would need to have a multi-actor governance model and overcome important challenges including how a genuinely voluntary character will be ensured (e.g. in public procurement), how to apply it in a B2B context, what systems will be considered non high-risk, what the label would include and how to enforce it and prevent misuse.

2.10 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:

Extensive exchanges with operators across the AI chain will be necessary to develop compliance & enforcement mechanisms, including self-assessment, to achieve the stated purposes. A combination of ex-ante and ex-post may be purposeful as long as ex-ante mechanisms are limited to self-assessment. It will be important to consider how these mechanisms would apply to high-risk applications that are already regulated in this respect.

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

Re-training algorithms in a specific location will not necessarily guarantee higher quality and a different output. Relying solely on European trained algorithms and European data sets could also cause challenges with regards to the diversity of datasets. Disclosure of confidential information (incl. algorithms & data sets) should be avoided. We need a global focus to ensure a diverse and fair user experience and avoid burdensome requirements for companies serving markets across the world.

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.

3.1 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

3.2 In your opinion, are there any further risks to be expanded on to provide more legal certainty?

All listed risks merit legal certainty through either guidance on existing rules or new rules if necessary. It is impossible to answer this question with such wide scope, specifically as regards the terms “use” of “artificial intelligence”. The listed risks are further not limited to or inherently related to AI. The European Commission should consider whether and how it may need to address these risks for specified uses of specific AI systems with existing EU product safety law.

3.3 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

3.4 Do you have any further considerations regarding risk assessment procedures?

No need for new risk assessment obligations for products ‘subject to important changes during their lifetime’. The used terms are vague and it’d be technically difficult to conduct risk assessments on products in users’ possession which may have evolved differently due to self-learning. Existing NLF procedures prior to placing products on the market could be adapted with new standards foreseeing changes over time. This should exclude products in immature stages (e.g. testing, research).

3.5 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

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

The ultimate goal is to achieve responsible and safe AI & maintain equivalent liability protection as for other products. The envisaged broader regulatory changes (e.g. data quality, transparency, safety) diminish the need for new liability rules. Additional obligations reduce incentives to develop responsible and safe AI. Given the ongoing ethical/safety review, absence or scarcity of empirical data on actual AI liability risks, there is currently no need to change the tech-neutral PLD.

3.7 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:

See our separate paper for more detailed comments.

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

Striking the right balance across Europe between the respective needs for responsible AI, safety requirements and liability protection will contribute considerably to AI development by start-ups, to consumer trust and protection and to legal clarity, thus to the overall uptake of AI in Europe. Further, no liability should accrue to any producer, manufacturer or component manufacturer (nor here, AI producers) when there is an intervening malicious actor.