



# The EU approach to Artificial Intelligence

Yordanka Ivanova,  
Legal and policy officer  
European Commission, CNECT A2  
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# European AI policy (2018-2021)

## Key initiatives:

- **European Strategy on AI** (April 2018)
- **Guidelines for Trustworthy AI** developed in 2019 by the High-Level Expert Group on Artificial Intelligence (HLEG)
- First **Coordinated Plan on AI** (December 2018)
- The Commission's **White Paper on AI** (February 2020) followed by a **public consultation**.
- **AI package** (April 2021)
  - Coordinated plan on AI (review)
  - Proposal for an AI Regulation



# Updated Coordinated Plan on AI (review from 2018): joint commitment between the Commission and Member States

## SET ENABLING CONDITIONS FOR AI DEVELOPMENT AND UPTAKE IN THE EU

- Acquire, pool and share policy insights
- Tap into the potential of data
- Foster critical computing capacity

## MAKE THE EU THE RIGHT PLACE; EXCELLENCE FROM LAB TO THE MARKET

- Collaboration with stakeholders, Public-private Partnership on AI, data and robotics
- Research capacities
- Testing and experimentation (TEFs), uptake by SMEs (EDIHs)
- Funding and scaling innovative ideas and solutions

## ENSURE AI TECHNOLOGIES WORK FOR PEOPLE

- Talent and skills
- A policy framework to ensure trust in AI systems
- Promoting the EU vision on sustainable and trustworthy AI in the world

## BUILD STRATEGIC LEADERSHIP IN THE SECTORS

- Climate and environment
- Health
- Strategy for Robotics in the world of AI
- Public sector
- Law enforcement, immigration and asylum
- Mobility
- Agriculture

**Investments:** Horizon Europe, Digital Europe, Recovery and Resilience Facility

# Proposal for a Regulation on AI

## A single EU law for AI in the EU

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- ▶ **Internal market rules** for the placing on the market, putting into service and use of AI systems
- ▶ **Uniform and horizontal** (applicable across sectors/public and private)
- ▶ Two main objectives: address **risks to safety and fundamental rights** and **create a single market for trustworthy AI in EU**
- ▶ Consistent with and complementing existing EU and national law (e.g. GDPR, product safety)

## Innovation-friendly and risk-based legislation

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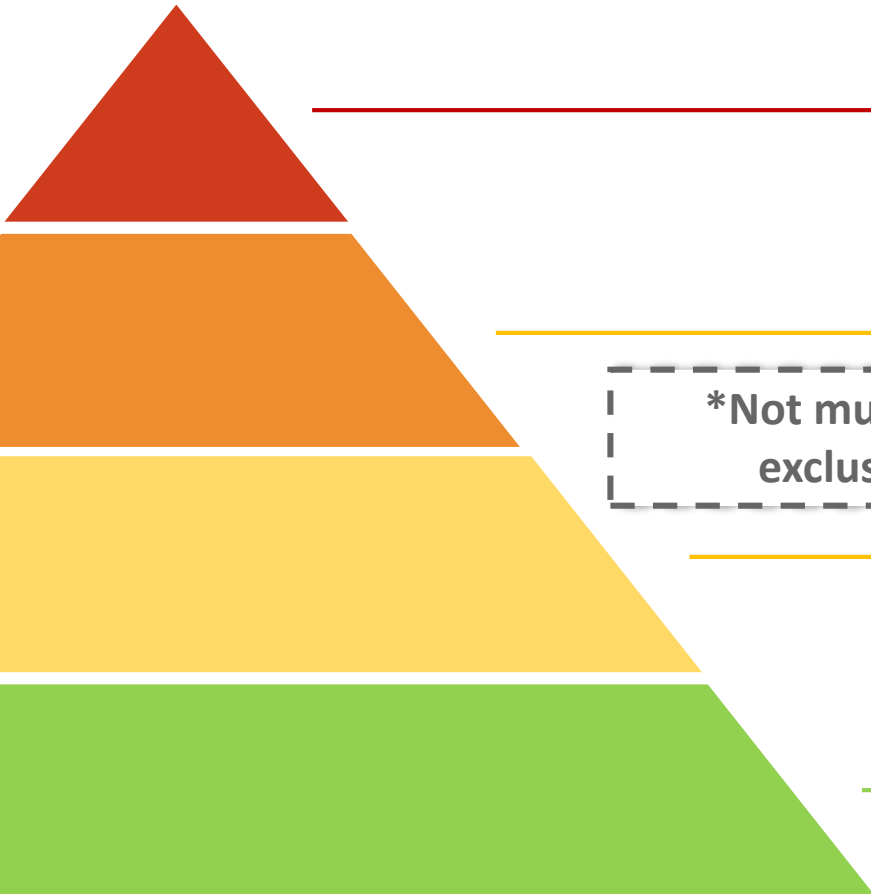
- ▶ Provide **legal certainty** to operators and stimulate **trust** in the market
- ▶ No overregulation: designed to intervene only where strictly needed following a risk-based approach

## Creates a level playing field for EU and non-EU players

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- ▶ Applicable independent of origin of producer or user

# Risk-based approach



\*Not mutually exclusive

## Unacceptable risk

e.g. social scoring, real time RBI for law enforcement

Prohibited

## High risk

e.g. recruitment, medical devices, credit-scoring

Permitted subject to compliance with AI requirements and ex-ante conformity assessment

## 'Transparency' risk

(chatbot, deep fakes)

Permitted but subject to information/transparency obligations

## Minimal or no risk

Permitted with no restrictions

# High-risk Artificial Intelligence Systems (Title III, Chapter 1 & Annexes II and III)



## 1 SAFETY COMPONENTS OF REGULATED PRODUCTS

(e.g. medical devices, machinery) which are subject to third-party assessment under the relevant sectorial legislation

## 2 CERTAIN (STAND-ALONE) AI SYSTEMS IN THE FOLLOWING AREAS

- ✓ Biometric identification and categorisation of natural persons
- ✓ Management and operation of critical infrastructure
- ✓ Education and vocational training
- ✓ Employment and workers management, access to self-employment
- ✓ Access to and enjoyment of essential private services and public services and benefits
- ✓ Law enforcement
- ✓ Migration, asylum and border control management
- ✓ Administration of justice and democratic processes

*- AI systems intended to be used by public authorities or on their behalf to evaluate the eligibility of natural persons for public assistance benefits and services, as well as to grant, reduce, revoke, or reclaim such benefits and services;*

# Requirements for high-risk AI (Title III, chapter 2)

HIGH RISK

Establish and implement **risk management** processes

Use high-quality **training, validation and testing data** (relevant, representative etc.)

Establish **documentation** and design **logging** features (traceability & auditability)

Ensure appropriate degree of **transparency** and provide users with **information** (on how to use the system, its capabilities and limitations)

Enable **human oversight** (measures built into the system and/or to be implemented by users)

➤ Enhanced oversight for RBI applications - “Four eyes” principle

Ensure **robustness, accuracy** and **cybersecurity**

**NB!** Harmonised technical standards developed by ESOs will support providers to demonstrate compliance

# Overview: obligations of operators (Title III, Chapter 3)

HIGH RISK

## Provider obligations

- ▶ Establish and Implement **quality management** system in its organisation
- ▶ Draw-up and keep up to date **technical documentation**
- ▶ Undergo **conformity assessment** and potentially re-assessment of the system (in case of significant modifications)
- ▶ **Register** standalone AI system in EU database (listed in Annex III)
- ▶ Sign declaration of conformity and affix **CE marking**
- ▶ Conduct **post-market monitoring**
- ▶ **Report serious incidents & malfunctioning** leading to breaches to fundamental rights
- ▶ **Collaborate** with market surveillance authorities

## User obligations

- ▶ Operate high-risk AI system in accordance with **instructions of use**
- ▶ Ensure **human oversight & monitor** operation for possible risks
- ▶ Keep **automatically generated logs**
- ▶ **Inform any serious incident & malfunctioning** to the provider or distributor
- ▶ **Existing legal obligations** continue to apply (e.g. under GDPR)



# Supporting innovation (Title V)

**Regulatory  
sandboxes  
Art. 53 and 54**

**Support for  
SMEs/start-ups  
Art. 55**



# Governance and Enforcement (Title VIII and IX)

## National level

Key role for enforcement

National Market  
Surveillance Authorities



Cooperation with other  
authorities responsible for  
enforcement of fundamental  
rights legislation

## European level

Coordination of implementation and  
exchange

European Artificial  
Intelligence Board



Commission to act as  
Secretariat

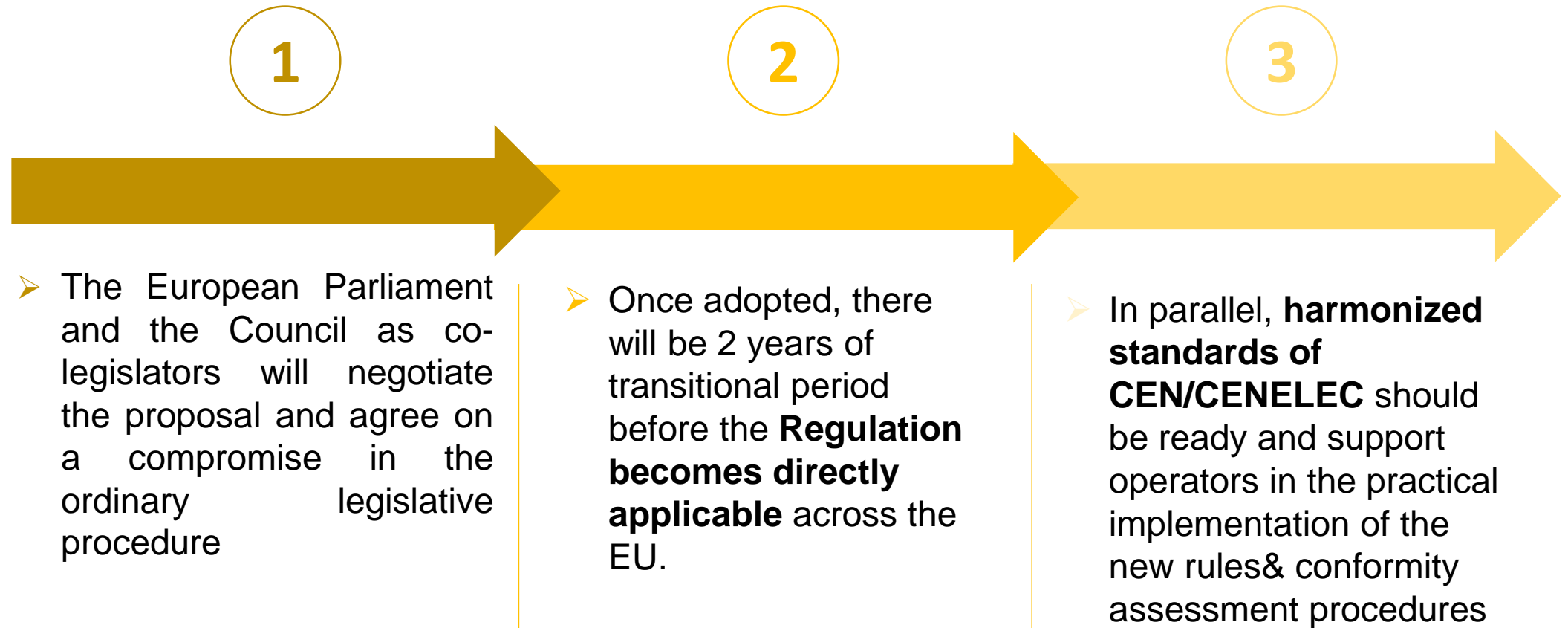


Expert Group\*



\*Not foreseen in the regulation but the Commission intends to introduce it in the implementation process.

# Next steps





**Thank you**