



EUROPEAN COMMISSION

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Dear Chair,

The Commission would like to thank the Poslanecká sněmovna for its Opinion on the Communication ‘Promoting a European approach to artificial intelligence’ {COM(2021) 205 final}, the proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence {COM(2021) 206 final} and the proposal for a Regulation of the European Parliament and of the Council on machinery products {COM(2021) 202 final}.

These three documents, adopted together in April 2021 form a package of ambitious measures aiming to turn the European Union into a global hub for trustworthy artificial intelligence. The uptake of artificial intelligence systems has a strong potential to enhance societal benefits, economic growth and EU innovation and global competitiveness. However, in certain cases, the specific characteristics of artificial intelligence systems may create new risks related to people’s safety and fundamental rights.

In proposing the artificial intelligence package, the Commission, under the political priority ‘A Europe fit for the digital age’, delivered on the promise of its 2021 Work Programme to take legislative action to regulate the safety, liability and fundamental rights aspects of artificial intelligence.

The proposed rules and actions will guarantee the safety and fundamental rights of citizens, strengthen artificial intelligence uptake, investment and innovation across the European Union, and increase users trust in a new and versatile generation of products.

The Commission welcomes the Poslanecká sněmovna’s broad support for the proposal and its recommendations, and notes its doubts relating to the potential of mass corporate surveillance by private companies and the misuse of surveillance technologies by public

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authorities. The Commission is pleased to have this opportunity to provide a number of clarifications regarding its proposal and trusts that these will allay the Poslanecká sněmovna's concerns.

The regulatory proposal addresses the use of artificial intelligence systems for 'corporate scrutiny' by considering as 'high-risk' artificial intelligence systems used for evaluating the creditworthiness of natural persons and for monitoring or evaluating performance and behaviour of employees¹. It also considers as 'high-risk' artificial intelligence systems intended to be used for 'real-time' and 'post' remote biometric identification of natural persons.

The Commission agrees with the Poslanecká sněmovna that the possibility of misuse of surveillance technologies by public authorities has to be taken into account. The draft regulation on artificial intelligence addresses this issue, for example, by proposing a prohibition on the use of real-time remote biometric identification in publicly accessible spaces for law enforcement purposes, with certain narrow exceptions. All other systems for remote biometric identification are subject to third party conformity assessment.² The draft regulation also proposes a prohibition on the use of any citizen scoring system used by or on behalf of public authorities. These prohibitions and rules are on the top of existing Union and Member States data protection, consumer protection and other legislation that aim to protect fundamental rights.

The Commission considers proposing EU rules to address liability issues related to new technologies, including artificial intelligence systems in the future.

As underlined in the Poslanecká sněmovna's Opinion, it is important to conduct in-depth reviews of high-risk technologies, specifically on use cases of artificial intelligence that have been identified as risky for people's safety, livelihoods and rights. To remain future-proof, the proposed regulation provides a mechanism to update the type of artificial intelligence systems considered as 'high-risk' subject to certain strict parameters and risk assessment methodology defined in the regulation.

The Poslanecká sněmovna's Opinion recommends that the conformity assessment of technologies with a significant impact on human life is to be carried out by a third party. The regulatory proposal on artificial intelligence provides for the possibility to move to third party assessments for all artificial intelligence systems, should self-assessments prove to be insufficient.

Discussions between the co-legislators, the European Parliament and the Council, and the Commission concerning the proposal are now underway and the Commission remains hopeful that an agreement will be reached in the near future.

¹ See article 6(3) and Annex III of the Proposal for a Regulation of the European Parliament and of the Council – Laying down harmonised rules on artificial intelligence COM(2021)206 final.

² See article 5 of the proposal for a Regulation of the European Parliament and of the Council – Laying down harmonised rules on artificial intelligence COM(2021)206 final.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Poslanecká sněmovna and looks forward to continuing the political dialogue in the future.

Yours faithfully,

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Member of the Commission*