



EUROPEAN COMMISSION

*Brussels, 2.9.2021  
C(2021) 6546 final*

*Dear President,*

*The Commission would like to thank the Senát for its Opinion on the proposal for a Regulation of the European Parliament and of the Council – Laying down harmonised rules on artificial intelligence {COM(2021) 206 final}.*

*This proposal from April 2021 is part of a package of measures aiming to turn Europe into a global hub for trustworthy artificial intelligence (AI). The uptake of AI systems has a strong potential to enhance societal benefits, economic growth, EU innovation and global competitiveness. However, in certain cases, the specific characteristics of AI systems may create new or amplify existing risks related to user safety and fundamental rights.*

*In proposing the AI package of 21 April, 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 cover the safety, liability and fundamental rights aspects of AI. The proposed rules and actions would enhance the safety and fundamental rights of people and businesses, strengthen AI uptake, investment and innovation across the EU, and increase users' trust in the new, versatile generation of products.*

*The Commission welcomes the Senát’s broad support for the aims of the proposal and notes its doubts related to direct or subliminal restrictions of human rights and freedoms as well as to the foundations of democracy that may be triggered by certain AI systems. The Commission also notes doubts of the Senát related to the scope of the proposed regulation and possible impacts on research and science, exchange of information and cooperation with third countries and Member States competences. The Commission is pleased to have this opportunity to provide a number of clarifications regarding its proposal and trusts that these will allay the Senate's concerns.*

*The Commission agrees with the Senát that the possibility of misuse of surveillance technologies has to be taken into account. The regulatory proposal on AI addresses this topic for example through proposing restrictions for the use of biometric identification systems: real time remote biometric identification in publicly accessible spaces for the*

*Miloš VYSTRČIL  
President of the Senát  
Valdštejnské náměstí 17/4  
CZ – 118 01 PRAGUE 1*

*purpose of law enforcement is proposed to be prohibited, all other systems of biometric identification are subject to a third party conformity assessment<sup>1</sup>. Also, the draft regulation is proposing to prohibit the use of any citizen scoring system by public authorities.*

*As underlined by the Senát, it is essential to clearly and transparently define rights and obligations for both providers and users of AI systems, including thorough public scrutiny of existing and future AI systems. To ensure scrutiny through the whole lifecycle of the AI system, the Commission proposes governance systems at Union and national level, an EU-wide database for stand-alone high-risk AI systems as well as a system of post-market monitoring, information sharing and market surveillance. The Commission entrusts a key role to Member States in the application and appropriate and effective enforcement of the requirements and the obligations for providers and users set out in the proposed regulation.*

*The Commission agrees with the Senát that the scope of the regulation should not unnecessarily restrict science and research, and hamper information exchange and cooperation with third countries and should not interfere in competences of the Member States. The regulatory proposal on AI follows a risk-based approach and imposes rules only for the placing on the market, the putting into service and the use of certain artificial intelligence systems in the Union. The regulatory proposal would not apply to pre-market science and research. The Commission highlights that the proposal is a horizontal framework and it would apply to all providers placing on the market or putting into service AI systems in the Union, irrespective of whether those providers are established within the Union or in a third country. The proposal would therefore ensure a level playing field for all EU and non-EU players. It would not interfere with information exchange and cooperation with third countries and competences of the Member States. As described above, the Commission entrusts a key role to Member States in the application and enforcement of the proposed Regulation.*

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

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*

*Thierry Breton  
Member of the Commission*

---

<sup>1</sup> 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.