



EUROPEAN COMMISSION

*Brussels, 22.7.2020
C(2020) 5063 final*

Dear President,

The Commission would like to thank the Bundesrat for its Opinion on the White Paper on Artificial Intelligence - A European Approach to Excellence and Trust {COM(2020)65 final}.

It appreciates the careful consideration and analysis of the White Paper by the Bundesrat and welcomes the support for its activities.

In its proposed approach, the Commission is keeping the promise to ensure artificial intelligence develops in a way that respects our European values and fundamental rights. Artificial intelligence, based on trust and excellence, will give citizens the confidence to embrace these technologies while providing businesses with the certainty to invest and develop them.

Against a background of fierce global competition, a solid European approach is needed, building on the European strategy for Artificial Intelligence presented in April 2018. To address the opportunities and challenges of artificial intelligence, the EU must act as one and define its own way, based on European values, to promote the development and deployment of artificial intelligence.

The Commission is pleased that the Federal Government of Germany in its Artificial Intelligence Strategy (November 2018) shares the Commission's objectives of avoiding fragmentation of the internal market through purely national regulation of artificial intelligence applications and of creating a uniform European framework for this.

It welcomes the confirmation of the importance to establish a single regulatory framework for the internal market, following the market location principle and helping to take a sovereign "European path" in the development and application of artificial intelligence, as proposed by the Commission.

The Commission takes seriously the concerns expressed by the Bundesrat that excessive regulation of artificial intelligence systems might bear the risk to slow down or prevent innovation in this key technology. The Commission is aware of the fact that this could have a negative impact not only on the competitiveness of the European economy but also on Europe's technological sovereignty and its ability to establish and enforce rules based on European values in the management of this technology.

The Commission confirms its objective of establishing an appropriate legal framework for artificial intelligence applications and adopting a risk-based approach. It takes seriously the concerns of the German Data Ethics Commission that a more than two-level risk approach could also be taken into consideration.

The Commission values the Bundesrat's early engagement at this stage of the policy making process and will take its Opinion, together with other contributions from the public consultation, into account.

The Commission will shortly present a summary of the results of the public consultation, which has closed on 14 June 2020. A report on the results of the public consultation and a summary of the contributions received will be published on the Commissions website¹. The Commission will decide on the appropriate way forward in due course. The adoption of the Follow-up to the White Paper on Artificial Intelligence, including on safety, liability, fundamental rights and data legislation, is envisaged for the last quarter of 2020.

The Commission believes that the political dialogue with national Parliaments is essential for linking the Institutions and the citizens of the European Union, and looks forward to continuing it with the Bundesrat in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

*Thierry Breton
Member of the Commission*

¹<https://ec.europa.eu/digital-single-market/en/news/white-paper-artificial-intelligence-european-approach-excellence-and-trust>