



EUROPEAN COMMISSION

*Brussels, 24.11.2020
C(2020) 8332 final*

Dear President,

The Commission would like to thank the Bundestag 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 Bundestag.

With the approach proposed in the White Paper, the Commission is keeping the promise to ensure that Artificial Intelligence develops in a way that respects European values and fundamental rights. A balanced framework for artificial Intelligence, based on trust and excellence, will give citizens and consumers 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 Bundestag supports the Commission's idea of a Europe-wide initiative on artificial intelligence emphasising trustworthy and human-centred artificial intelligence.

The Commission takes seriously the concerns expressed by the Bundestag that excessive regulation of artificial intelligence systems might slow down or prevent innovation in this key technology. The Commission is aware 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.

*Mr Wolfgang SCHÄUBLE
President of the Bundestag
Platz der Republik 1
11011 BERLIN*

The Commission confirms its objective of establishing a dedicated legal framework for artificial intelligence applications that follows a risk-based approach. We fully agree with the Conclusions of the European Council of 2 October that we need a clear definition on what constitutes high-risk artificial intelligence applications in order to provide producers and users of these products and services with sufficient legal certainty when the new rules will apply. As regards products regulated by the new EU safety legislation, we will aim to ensure consistency and integration of conformity assessment procedures with what already exists as procedures under the EU product safety acquis. The Commission is also considering very limited transparency obligations for low-risk artificial intelligence systems (e.g. interacting with humans) and a voluntary labelling scheme for artificial intelligence applications that are not high-risk.

The Commission welcomes the Bundestag's opinion that a certain kind of agility of the ecosystem should be ensured. In light of the speed of the technological changes, our rules should be future proof and allow for flexible adaptations in view of further developments and technologies that are not yet known or developed. For this reason, we believe that our definition of artificial intelligence should be sufficiently broad and technology neutral (e.g. not focusing only on machine learning). Our proposed approach is not to regulate the technology as such and put it under suspicion, but to regulate certain specific applications or use cases that might pose high risks to our fundamental rights and safety. To ensure flexibility, the Commission is assessing available legal techniques as well as novel forms of enhanced regulatory oversight that provide a safe space for innovation and experimentation.

The Commission will also consider the Bundestag's suggestion to include universities of applied sciences into the "ecosystem of excellence". The 2021 revision of the Coordinated Plan on Artificial Intelligence will update on progress of actions and introduce new measures that also take into account the evolution of technologies, markets and demand. The revised 2021 Coordinated Plan on Artificial Intelligence will play a central role notably in implementing the Ecosystem of Excellence and should be issued in the same package with the new artificial intelligence legislation.

The Commission values the Bundestag's engagement in the policy making process and will take its Opinion into account when working on the initiative for trustworthy artificial intelligence. The public consultation on the White Paper received more than 1200 replies, which have also been carefully analysed. A report on the results of the public consultation and a summary of the contributions received have been published on the Commission's website¹.

Also the results of the Second Edition of the European Artificial Intelligence Alliance Assembly on 9 October², which presented the main findings of the Public Consultation on the Commission's White Paper on Artificial Intelligence and its future perspectives in building a European approach to excellence and trust, informs the Commission's

¹ [Public Consultation on the White Paper on Artificial Intelligence](#)

² [Second Artificial Intelligence Alliance Assembly](#)

deliberations on an appropriate way forward. As the mandate of the High-Level Expert Group on Artificial Intelligence has ended, the Artificial Intelligence Alliance remains an important space of exchange and debate, feeding into the Commission's policy-making in the area of artificial intelligence.

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 Bundestag in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

*Thierry Breton
Member of the Commission*