

OPEN PUBLIC CONSULTATION ON THE EUROPEAN WHITE PAPER ON ARTIFICIAL INTELLIGENCE

Summary Report on the open public consultation on the White Paper on Artificial Intelligence

Disclaimer: the views presented in this factual summary report are not the views of the European Commission but of the stakeholders that participated in this open public consultation.

TEASER: The public consultation on the White Paper on Artificial Intelligence ran from the 19th of February to the 14th of June 2020. This summary report takes stock of the contributions and presents trends that emerge from them, focusing on quantitative aspects.

Objective of the consultation

The objective of the consultation was to collect views/opinions on the [White Paper on Artificial Intelligence - A European Approach to excellence and trust](#), COM(2020) 65 and a [Report on the safety and liability implications of Artificial Intelligence, the Internet of Things and robotics](#), COM (2020) 64.

The White Paper on Artificial Intelligence - A European approach to excellence and trust proposes:

- To build an ecosystem of excellence that can support the development and uptake of AI across the EU economy and public administration, including measures that will foster collaboration with Member States, focus on the research and innovation community, foster skills, and focus on Small and Medium Enterprises (SMEs);
- Policy options for a future EU regulatory framework that would determine the types of legal requirements that could apply in particular to high-risk applications.

This consultation enabled all European citizens, Member States and relevant stakeholders (including civil society, industry and academics) to provide their opinion on the White Paper and contribute to a European approach for AI. To facilitate participation, the online questionnaire was divided in three sections:

- **Section 1** referred to the specific actions, proposed in the White Paper's Chapter 4 for the building of an **ecosystem of excellence** to support the development and uptake of AI across the EU economy and public administration;
- **Section 2** corresponded to Chapter 5 of the White Paper and outlined a series of **options for a regulatory framework for AI**;
- **Section 3** referred to the Report on the safety and liability aspects of AI.

The questionnaire was available in all EU languages. Respondents could choose to contribute to all or some of the sections or questions, and had the possibility to submit position papers. The sample size varies between and within sections because not all respondents replied to all questions. For this reason, for each topic, the percentage indicated is always the share of the actual respondents to the specific section or question.

Who replied to the consultation?

The consultation targeted all interested stakeholders from the public and private sectors, including governments, local authorities, commercial and non-commercial organisations, experts, academics and citizens.

Contributions arrived from all over the world, including the EU's 27 Member States and countries such as India, China, Japan, Syria, Iraq, Brazil, Mexico, Canada, the US and the UK.

In total, 1215 contributions were received, of which 352 were on behalf of a company or business organisations / associations, 406 from citizens (92% EU citizens), 152 on behalf of academic / research institutions, and 73 from public authorities. Civil society voices were represented by 160 respondents (among which 9 consumer's organisations, 129 non-governmental organisations and 22 trade unions). 72 respondents contributed as "others".

Of the 352 business and industry representatives, 222 were companies and business representatives, 41.5% of which were micro, small and medium-sized enterprises. The rest were business associations. Overall, 84% of business and industry replies came from the EU-27.

Over 450 position papers were submitted through the EU Survey website, either in addition to questionnaire answers (over 400) or as stand-alone contributions (over 50). This brings the overall number of contributions to the consultation to over 1250. These papers are being analysed and will be taken into account together with the statistical analysis of the questionnaire replies in the upcoming full synopsis report of the consultation activities. This summary report focuses on the replies to the online questionnaire.

Preliminary findings

Section 1- Building an ecosystem of AI excellence in Europe

The actions that the White Paper proposes to build an ecosystem of excellence in Europe were considered **important** and **highly important** by the majority of respondents.

Skills were rated as the most important action; 90% of respondents found this (very) important. The support of **research and innovation communities** and coordination with **Member States** (with the revision of the [coordinated plan on AI](#)) follow with percentages of 88% and 87% respectively.

72% of respondents believe that **public private partnerships** (PPPs) and the **public sector** are (very) important for the wider uptake of AI in Europe.

Finally, 69% of respondents believe that a special focus should be placed on **small and medium sized enterprises** (SMEs).

Coordinating with Member States

Strengthening excellence in research (89%¹) and developing **AI skills through adapted training programmes** (86%) were considered as the two areas that can mostly benefit from a coordinated approach by the EU and the Member States. Infrastructures such as world-reference testing facilities (76%) and European data spaces (75%) were also considered as (very) important by most respondents.

The role of Member States in the promotion of AI uptake by business and public sector as well as the increase in financing for AI start-ups are seen as (very) important by 71% and 68% of respondents, respectively.

Strengthening research and innovation communities

Among the three actions suggested to **strengthen AI research and innovation in Europe**, 86% of respondents say that the support of the existing networks of research and innovation centres is (very) important, whereas the new initiative for a lighthouse research centre, which is world class, is only seen as (very) important by 64% of respondents. A public private partnership (PPP) for industrial research is considered (very) important by 69% of all respondents, and 89% of respondents that represent the industrial and business sector.

Supporting the uptake of AI by SMEs

Among the measures supporting the uptake of AI by SMEs, the role of Digital Innovation Hubs (DIHs) is highly appreciated. When it comes to **knowledge transfer and the support of AI expertise** for SMEs, DIHs are considered as important or very important by 78% of respondents. In addition, 76% of respondents consider the **access to testing and reference facilities** and **SME partnerships with larger enterprises and academia** as a (very) important contribution that DIHs have to offer.

Section 2 - Regulatory options for AI: ensuring an ecosystem of trust

Main concerns

The overwhelming majority of participants (95%) responded to the section on the regulatory options for AI. Their main concerns were related to the possibility of AI **breaching fundamental rights** and the use of AI that may lead to **discriminatory outcomes** - respectively 90% and 87% of respondents find these concerns important or very important.

The possibility that AI endangers safety or takes actions that cannot be explained were also considered as (very) important by respectively 82% and 78% of respondents. Concerns over AI's possible lack of accuracy (70%) and lack of compensations following harm caused by AI (68%) follow.

¹ Note, all these are the share of respondents who indicated this as (very) important.

What kind of legislation

To address such concerns, 42% of respondents request the **introduction of a new regulatory framework on AI**, another 33% think that the **current legislation needs to be modified in order to address the gaps identified**. Only 3% think that current legislation is fully sufficient, while the rest declared to have other opinions (18%) or no opinion at all (4%).

Respondents seemed to agree with all the mandatory requirements proposed by the White Paper with high percentages ranging from 83% to 91% for each requirement. Clear liability and safety rules (91%), (ii) information on the nature and purpose of an AI system (89%), robustness, and accuracy of AI systems (89%). Human oversight (85%), quality of training datasets (84%) and the keeping of records and data (83%).

High-risk applications

Concerning the scope of this new possible legislation, opinions are less straightforward. While 42.5% agreed that the **introduction of new compulsory requirements** should only be **limited to high-risk AI applications**, another 30.6% doubt such limitation. The remaining 20.5% had other opinions and the 6.3% had no opinion at all. It is interesting to note that respondents from **industry and business** were more likely to agree with limiting new compulsory requirements to high-risk applications with a percentage of 54.6%.

However, several respondents do not appear to have a clear opinion regarding what high-risk means: although 59% of respondents support the definition of high-risk provided by the White Paper², only 449 out of 1215 (37% of consultation participants) responded to this question.

Biometric identification

Another topic under the regulatory scope of the AI White Paper is the public use of remote biometric identification systems. Respondents had doubts on the public use of such systems

² “An AI application should be considered high-risk where it meets the following two cumulative criteria: **First**, the AI application is employed in a sector where, given the characteristics of the activities typically undertaken, significant risks can be expected to occur. This first criterion ensures that the regulatory intervention is targeted on the areas where, generally speaking, risks are deemed most likely to occur. The sectors covered should be specifically and exhaustively listed in the new regulatory framework. For instance, healthcare; transport; energy and parts of the public sector. (...). **Second**, the AI application in the sector in question is, in addition, used in such a manner that significant risks are likely to arise. This second criterion reflects the acknowledgment that not every use of AI in the selected sectors necessarily involves significant risks. For example, whilst healthcare generally may well be a relevant sector, a flaw in the appointment scheduling system in a hospital will normally not pose risks of such significance as to justify legislative intervention. The assessment of the level of risk of a given use could be based on the impact on the affected parties. For instance, uses of AI applications that produce legal or similarly significant effects for the rights of an individual or a company; that pose risk of injury, death or significant material or immaterial damage; that produce effects that cannot reasonably be avoided by individuals or legal entities.” (https://ec.europa.eu/info/sites/info/files/commission-white-paper-artificial-intelligence-feb2020_en.pdf)

with 28% of them supporting a **general ban of this technology in public spaces**, while another 29.2% required a **specific EU guideline or legislation** before such systems may be used in public spaces. 15% agreed with allowing biometric identification systems in public spaces only in **certain cases and under conditions** and another 4.5% ask for **further requirements (on top of the 6 requirements for high-risk applications proposed in the white paper)** to regulate such conditions. Finally, 6.2% of respondents did not think that any further guidelines or regulations are needed. 17.1% declared to have no opinion.

Enforcement and voluntary labelling

To make sure that AI is trustworthy, secure and in respect of European values, the White Paper suggests a series of conformity assessment mechanisms for **high-risk applications**. Of those mechanisms, 62% of respondents supported a combination of **ex-post and ex-ante market surveillance** systems. 3% of respondents support only ex-post market surveillance. 28% support **external conformity assessment** of high-risk applications. 21% of respondents support **ex-ante self-assessment**.

Voluntary labelling systems could be used for **AI applications that are not considered of high-risk**. The 50.5% of respondents find it useful or very useful, while another 34% do not agree with it. 15.5% of respondents declared that they do not have an opinion on the matter.

Section 3: Safety and liability implications of AI, IoT and robotics

The overall objective of the **safety and liability legal frameworks** is to ensure that all products and services, including those integrating emerging digital technologies, operate safely, reliably and consistently, and that damage that has already occurred is remedied efficiently.

60.7% of respondents supported a **revision of the existing Product Liability directive** to cover particular risks engendered by **certain** AI applications. 47% of respondents supported that **national liability rules should also be adapted** for **all** AI applications and 16% for **specific** AI applications to better ensure proper compensation in case of damage and a fair allocation of liability.

Among the particular AI related risks to be covered, respondents prioritised **cyber risks** with 78% and **personal security risks** with 77%. **Mental health risks** follow with 48% of respondents flagging them, and risks related to the **loss of connectivity**, flagged by 40% of respondents. Moreover, 70% of participants supported that the safety legislative framework should consider a risk assessment procedure for products subject to important changes during their lifetime.

Contributions

Contributions to the consultation are available here: <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12270-White-Paper-on-Artificial-Intelligence-a-European-Approach/public-consultation>

Additional position papers sent in the framework of the online consultation are available here: <https://ec.europa.eu/digital-single-market/news-redirect/683109>

Next steps

This online consultation is part of a broader stakeholder consultation process that will contribute to the preparation of various regulatory options. Following an in depth analysis of the consultation results as well as a detailed impact assessment, a regulatory proposal will be presented.

A full synopsis report will provide overall conclusions of the consultation with a qualitative analysis covering the respective online questionnaire replies, as well as the analysis of position papers received from stakeholders and the results of various workshops and public hearings.