

REGULATING AI IN EUROPE

Successful lobbying leaves door open to widespread use of the technology in the public sector

Presentation by Camille Schyns

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STORY AND QUESTIONS

Teamwork: Alina Yanchur, Greta Rosén Fondahn, and Sarah Pilz.

We knew:

- AI causes unseen and hidden suffering, discrimination for individuals (Roger Derikx)
- The EU would launch an initial proposal for regulating AI in April 2021

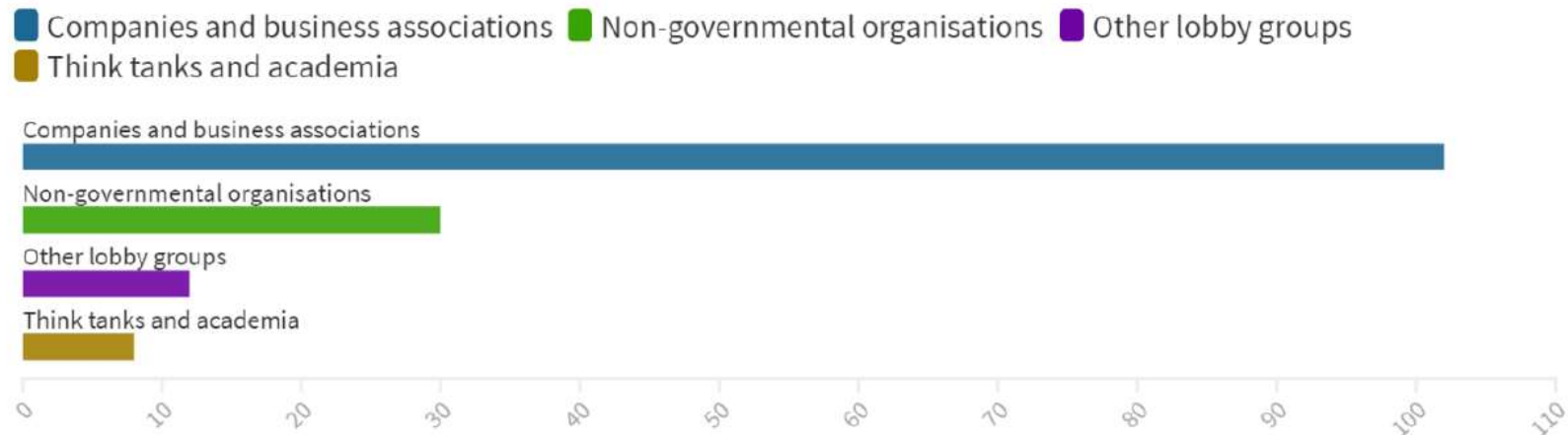
Our questions:

- Did industry, civil society, and others get a fair hearing during the policy-making process?
- Would this regulation offer sufficient protections for people?

DID EVERYONE GET A FAIR HEARING?

AI lobby meetings with EU Commission

Number of meetings by category



WHAT BIG TECH WANTED

- More AI in the public sector
- Self-regulation based on internal ethics systems

We agree with the general approach that legislation should only apply to high-risk applications. It is critical that any regulation should be specific to the individual use case, and build on existing industry-specific legislation where applicable, to account for the specific-risks associated with the use case/industry. High risk applications should be specifically enumerated so there is no ambiguity over whether regulations may apply.

Source: *Amazon position paper, submitted during EU public consultation process (Ref. Ares(2020)3358768 - 26/06/2020)*

WHAT BIG TECH WANTED (2)

SHORT NOTES OF A MEETING

Subject: Meeting 21/01/2020 between DIGITALEUROPE (DE)

Overall digital policy, industry data pooling, open data, artificial intelligence (HLG), European Green Deal & ICT energy use

For Digital Europe: [REDACTED]

Introduction of Digital & Manufacturing Economic Council (DMEC).

Good example of AI optimisation of operations: Maersk

How do we build an industry growth strategy on the PSI Directive?

Artificial intelligence: focus on public sector for trust, voluntary labelling possibly based on the HLG assessment list. Focus on risks in deployment, not development. Support standardisation. HLG should be tasked with exploring risk more.

Green Deal: ICT sector energy use is proportionally declining, and sector is driving RES energy demand. Look more at how ICT can help transform emissions of chief emitting sectors (energy, industrial production, agri, transport). Invest in metrics.

EU REGULATION ON AI

- Initially reported as being harsh on Big Tech, first global regulation on AI
- Many public sector uses of AI continue to be permitted, like algorithms in policing, the judicial system, approval of social benefits, and worker management.
- Producers need to do a self-assessment for high-risk systems on transparency, risk management, and human oversight (among others).
- Commitment to invest €1 billion per year in AI and making “the public sector a trailblazer for AI.”

LIMITS TO OUR RESEARCH

- Really difficult to find people who know they have been negatively affected. Most harm will go undetected, and most people don't know.
- A lot of information in the public domain or can be accessed through FOI. But: the EU system is opaque and untransparent, and GDPR does not make FOI requests more legible.
- Only senior officials have to declare meetings. The full scale of imbalance may not be known.

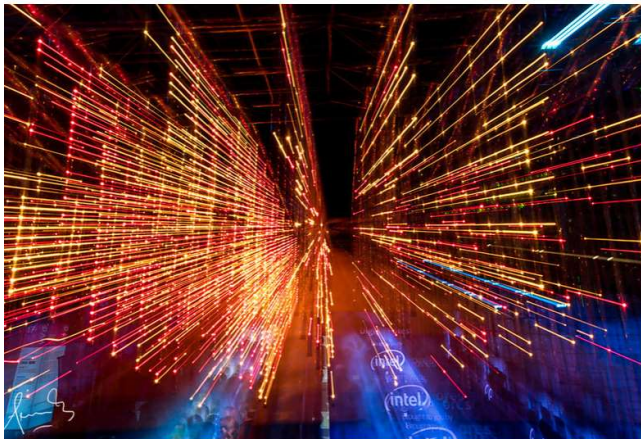
WHAT LIES AHEAD

- Debate moves to the EU Parliament.
- Covid & the digital society – can regulation catch up?
- Second part of our story: capture of the academic/expert field by Big Tech.
- For Roger Derikx, the fight for compensation continues

THANK YOU!

INVESTIGATION

Computer says No: How the EU's AI laws cause new injustice



Big Tech companies pushing for self-regulation, while their algorithms create new injustice in European public services
(Photo: Sacha Fernandez)

By **ALINA YANCHUR, CAMILLE SCHYNS, GRETA ROSÉN FONDAHN, SARAH PILZ**

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