



**2020/2216(INI)**

16.3.2021

## **OPINION**

of the Committee on Culture and Education

for the Committee on the Internal Market and Consumer Protection

on shaping the digital future of Europe: removing barriers to the functioning of the digital single market and improving the use of AI for European consumers (2020/2216(INI))

Rapporteur for opinion (\*): Sabine Verheyen

(\* ) Associated committee – Rule 57 of the Rules of Procedure

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## SUGGESTIONS

The Committee on Culture and Education calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Recalls that AI should be developed, deployed and used by design in a fair and ethical manner, with a human-centric approach and in full compliance with Union values and principles, human rights, freedom of expression and information, the right to privacy, data protection, non-discrimination, media freedom and pluralism and cultural diversity; underlines that the legal framework on AI requires strict consideration of fundamental rights, ethical aspects and legal safeguards in order to protect our democratic societies and citizens as users and consumers of AI systems; emphasises that transparency and independent oversight are crucial in order to reduce bias and avoid all forms of discrimination or abuse as well as to ensure the rule of law;
2. Recalls that in order to be ethical, AI must be developed, deployed and used in a sustainable and socially responsible manner, following a gender equality strategy, respecting cultural diversity, promoting digital literacy, closing the digital gap and safeguarding intellectual property rights;
3. Stresses the crucial importance of a coherent vision and strategy at Union level in order to achieve a genuine digital single market within an AI-powered society that would fully benefit users; reiterates the importance of raising awareness about AI and of reinforcing the level of AI literacy; emphasises the need to offer learning and training opportunities in order to enable European society to gain basic digital skills as well as an understanding of the use, and potential risks of AI, with a view to using those technologies to their full advantage and empowering citizens to fully participate in the digital single market and society; reiterates, in this regard, its view that AI and robotics innovation needs to be integrated in education plans, as highlighted in the recently adopted Digital Education Action Plan; reiterates its call on the Commission and the Member States to ensure the smooth implementation and assessment of this Plan;
4. Underlines that the digital transformation affects the field of education, which is about to undergo its most substantial change since the introduction of compulsory education; stresses that, according to some estimates, 65 % of children entering primary school today will ultimately end up working in new job types that do not yet exist; highlights that digital literacy is an essential skill and that there is a need to ensure equal access to these skills as well as to digital equipment, as has been highlighted by the COVID-19-related challenge of remote teaching and learning; reiterates its call on the Commission and the Member States to diligently address discrepancies created by the digital gap in access to information, education and jobs, including through adequate investments in infrastructure, equipment and resources;
5. Underlines the need for AI to be made widely available to the cultural and creative sectors and industries (CCSI) across Europe in order to maintain a level playing field and fair competition for all stakeholders and actors in Europe;
6. Emphasises the potential of AI technologies for the CCSI, from better audience

management, outreach and engagement to assisted content curation, the revalorisation of cultural archives, as well as assisted fact-checking and data journalism; stresses further the potential of AI-based solutions such as text-to-speech and speech-to-text, and automated subtitling and translation to enhance access to culture, information and education for people with disabilities, including visually and hearing impaired people and other vulnerable groups; calls for the CCSI to be integrated as a policy priority in the field of AI at Union level and highlights that cooperation with those sectors could be invaluable in bringing AI innovation closer to the public and in finding creative solutions and possibilities for AI use;

7. Stresses that the Union should not fall further behind in the global AI race, especially in the commercial adoption and funding of AI; deplores the omission of culture from AI strategies and policy recommendations at both national and Union level; highlights that a better understanding of the risks and benefits of AI technologies will increase the societal demand for and therefore the development of these technologies; calls on the Member States, in this regard, to invest in awareness activities related to AI technologies; stresses the need to set up, in association with all the relevant stakeholders including small and medium-sized actors, a clear legal framework for ethical, sustainable and socially responsible AI that prioritises creativity and access to culture in order to bring the Union to the forefront of technological development, AI-driven innovation and value creation worldwide and to maximise its benefits, while assessing its potential risks for society;
8. Calls for the development, with Union and national funding, of training programmes in AI for teachers in all fields across Europe; recalls the special requirements of vocational education and training (VET) with regard to AI and calls for a collaborative approach at European level designed to enhance the potential offered by AI in VET across Europe;
9. Emphasises that the transposition of the Audiovisual Media Services Directive<sup>1</sup> (AVMSD) and the Copyright Directive<sup>2</sup> into national law is crucial to achieving a genuine digital single market that promotes cultural diversity; urges the Member States that have not yet done so to complete the transposition of these directives as soon as possible; stresses that the future Digital Services Act (DSA) and the Digital Markets Act (DMA), as well as Union data policies and any future regulation on AI, with particular regard to the CCSI, should be in line with the principles and obligations laid out in those directives;
10. Urges the Union to take steps to prevent or mitigate risks associated with the negative effects of AI and to set concrete and applicable baseline standards and rules, specifically in the sensitive area of AI systems in law enforcement, such as facial recognition software;
11. Highlights that the digital services sector is developing rapidly and therefore stresses the

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<sup>1</sup> Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities, OJ L 303, 28.11.2018, p. 69.

<sup>2</sup> Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC, OJ L 130, 17.5.2019, p. 92.

need to ensure that new regulations do not impede on the openness of its market; stresses that the principle of net neutrality must remain the cornerstone of the online sphere;

12. Believes that any AI framework should be based on transparency, explainability, when relevant, and accountability, and should uphold the rights and obligations laid down in the General Data Protection Regulation (GDPR), including data minimisation, purpose limitation and data protection by design and by default;
13. Points out that AI can be an effective tool in helping to enforce rules on online content, for example by identifying illegal or harmful content, disinformation or fake news, and can also be used to help implement the ‘notice and take down’ mechanism; stresses, however, that the use of AI, if not properly regulated, may pose challenges to fundamental rights, in particular freedom of expression, as well as access to information, cultural diversity and media pluralism; recalls, in this regard, the need for AI to respect fundamental rights and Union law when developed, deployed and used in the Union; emphasises that human intervention is necessary, as automated mechanisms that are used to enforce rules online cannot fully assess context, may lead to false positives and can inhibit legitimate and fair activity; stresses that any use of AI must strictly adhere to the principle of transparency and have clear rules for accountability, with an effective appeal mechanism guaranteed; points out that the digital single market should be driven by the principle that ‘what is illegal offline is also illegal online’; stresses, equally, that what is legal offline should remain legal online, with particular regard to fundamental freedoms such as freedom of expression;
14. Recalls that Article 13 of Charter of Fundamental Rights of the European Union (the Charter) on freedom of the arts and sciences states that the arts and scientific research must be free of constraint and that academic freedom must be respected; draws attention to the violations of artistic freedoms in Europe summarised in the report by Freemuse entitled ‘The State of Artistic Freedom 2020’;
15. Insists that comprehensive information that is understandable to the user be provided concerning when AI is used, how it works and how decisions based on its use can be challenged; points out, furthermore, that AI-delivered results, per se, should serve only as a pointer, but never as hard evidence;
16. Notes that large platforms have acquired a huge amount of data and replaced services in a diverse and decentralised system with open standards with ‘walled gardens’, locking in users; stresses that as a consequence, some markets are characterised by large platforms with significant network effects, which are able to act as de facto online gatekeepers of the digital economy; considers that it is necessary, therefore, to introduce additional obligations regarding data protection, transparency, user choice and interoperability in order to guarantee a level playing field and consumer welfare;
17. Stresses that the Union needs to strive for unified, unambiguous and up-to-date rules that do not hamper innovation in the internal market; calls, therefore, for a human-centric, balanced and careful approach to automated decision-making, one which is respectful and protective of fundamental rights and ethical considerations and in line with the applicable regulatory frameworks, such as the AVMSD, the Copyright

Directive and the GDPR as well as the future DSA;

18. Recalls the urgent need for fairer competition for CCSI online services in Europe in order to counter the networking and concentration effects of the data market that tend to unfairly benefit large digital companies; welcomes, in that respect, the legislative proposals on the DSA and DMA, which should help to further shape the digital future of Europe;
19. Recalls that the Member States and the EU institutions have an obligation, under the Charter and the European Convention on Human Rights, to ensure that each person's rights to privacy, data protection, free expression and assembly, non-discrimination, dignity and other fundamental rights are not unduly restricted by the use of new and emerging technologies;
20. Notes that the Union must pay attention to the way in which data is stored and processed; stresses that the integrity of data must also be protected and that the way in which data is interpreted by AI must not lead to oppression or discrimination;
21. Highlights that for the European digital market to flourish and to enable effective and ethical AI, vast amounts of quality, compatible data are needed; emphasises the importance of designing any future AI policy framework in such a way as to ensure high levels of protection and control of personal data, which must be processed fairly, in a non-discriminatory manner and on the basis of the consent of the person concerned, while upholding all data protection and privacy rules; recalls that any automated algorithmic decision-making must be transparent and accountable, with due respect for the rights and responsibilities of all relevant actors, in order to avoid flawed interpretation of data;
22. Stresses that in order for the Union to become a leader in the use of AI-related technologies that respect ethical standards and fundamental rights, and to remain competitive in the global digital market and benefit from its full potential, the Union has to build up its capacities, including through the European Institute of Innovation and Technology (EIT), by encouraging more people to pursue careers in ICT-related sectors, for example by training more data professionals in the field of AI, as well as professionals in connected new domains such as AI-investing and AI safety; calls for stronger support, with this aim in mind, for the creation and strengthening of networks focused on AI, while continuing to explore the possibility of creating pan-European university and research networks focused on AI; emphasises that the lack of data specialists and professionals may, among other issues, lead to flawed interpretation of data, which can create biases and skewed results;

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	15.3.2021
<b>Result of final vote</b>	+: 29 -: 0 0: 0
<b>Members present for the final vote</b>	Asim Ademov, Isabella Adinolfi, Christine Anderson, Ilana Cicurel, Gilbert Collard, Gianantonio Da Re, Laurence Farreng, Tomasz Frankowski, Hannes Heide, Irena Joveva, Petra Kammerervert, Niyazi Kizilyürek, Ryszard Antoni Legutko, Predrag Fred Matić, Dace Melbārde, Victor Negrescu, Niklas Nienaß, Peter Pollák, Marcos Ros Sempere, Domènec Ruiz Devesa, Monica Semedo, Andrey Slabakov, Massimiliano Smeriglio, Michaela Šojdrová, Sabine Verheyen, Theodoros Zagorakis, Milan Zver
<b>Substitutes present for the final vote</b>	Christian Ehler, Marcel Kolaja

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

<b>29</b>	<b>+</b>
ECR	Ryszard Antoni Legutko, Dace Melbārde, Andrey Slabakov
ID	Christine Anderson, Gilbert Collard, Gianantonio Da Re
NI	Isabella Adinolfi
PPE	Asim Ademov, Christian Ehler, Tomasz Frankowski, Peter Pollák, Michaela Šojdrová, Sabine Verheyen, Theodoros Zagorakis, Milan Zver
Renew	Ilana Cicurel, Laurence Farreng, Irena Joveva, Monica Semedo
S&D	Hannes Heide, Petra Kammerevert, Predrag Fred Matić, Victor Negrescu, Marcos Ros Sempere, Domènec Ruiz Devesa, Massimiliano Smeriglio
The Left	Niyazi Kizilyürek
Verts/ALE	Marcel Kolaja, Niklas Nienäß

<b>0</b>	<b>-</b>
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<b>0</b>	<b>0</b>

Key to symbols:

+ : in favour

- : against

0 : abstention