



2020/2013(INI)

7.7.2020

OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on Legal Affairs

on artificial intelligence: questions of interpretation and application of international law in so far as the EU is affected in the areas of civil and military uses and of state authority outside the scope of criminal justice (2020/2013(INI))

Rapporteur for opinion: Andreas Schwab

PA_NonLeg

SUGGESTIONS

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

1. Recalls that it follows from Directive (EU) 2018/958 that humans must always bear ultimate responsibility for decision-making that involves risks to the achievement of public interest objectives; underlines that any AI technology should be subject to human oversight; stresses that, in order to direct the use of artificial intelligence towards the good of individual consumers or groups of consumers and society as a whole, the human-centric approach to artificial intelligence should always be the ultimate pattern of control when interpreting and applying the law on artificial intelligence;
2. Believes that the EU should aim to act as a norm-setter for AI in a hyper-connected world by adopting an efficient strategy towards its external partners, fostering its efforts to set global ethical norms for AI at international level in line with safety rules and consumer protection requirements, as well as with European values and fundamental rights; considers that this is also key for the competitiveness and sustainability of European companies; calls on the Commission and Member States to strengthen cooperation with third countries and international organisations and to engage in a broader dialogue to address challenges arising from the development of this rapidly changing technology;
3. Recalls that the principles of non-discrimination and proportionality need to be respected and that questions of causality, liability and responsibility, as well as transparency, accountability and explainability, need to be clarified to determine if, or to what extent, the State as an actor in public international law, but also in exercising its own authority, can act with the help of systems based on AI, which have a certain autonomy, without breaching obligations stemming from international law, such as due process;
4. Urges, therefore, the Member States to assess the risks related to AI-driven technologies, such as, for example, the risks related to the protection of consumers and recipients of services, before automating activities or professional services connected with the exercise of State authority, such as the proper administration of justice; calls on the Member States to consider the need to provide for safeguards, foreseen in Directive (EU) 2018/958, such as supervision by a qualified professional and rules on professional ethics; emphasises the need for proper transposition and implementation of this Directive by the Member States, and encourages the Commission to closely monitor the matter;
5. Insists on the importance of investing in human skills, including digital skills, in order to adapt to scientific progress involving AI-driven solutions for individuals exercising regulated professions, including activities connected with the exercise of the powers of State authority, such as the administration of justice; calls on the Member States and the Commission to take this duly into account as part of the implementation of Directive 2005/36/EC;

6. Considers that, with regard to smart products or devices, the development of AI also entails opportunities to improve global market surveillance and address product safety and consumer protection in a much more effective way and on a large scale; calls, consequently, on the Commission to establish a governance and market surveillance mechanism for AI-based systems to issue guidance, opinions and expertise to Member States' authorities;
7. Stresses that, insofar as they fall under the definition of machinery set out in Directive 2006/42/EC, robots should be designed and assembled in compliance with the standards and safety measures provided therein;
8. Recalls that the NIS Directive provides for a common European approach to cybersecurity and the resilience of network and information systems in order to strengthen the single market and promote consumer confidence; urges the Member States and the Commission to take seriously the threat of cyberattacks based on AI technologies, for example when they undermine the EU's economy, and to invest heavily to achieve a high level of overall digital literacy and reduce dependency on third-country vendors;
9. Believes that Member States' authorities, including their regional and local authorities, and the Commission should promote AI technologies that work for people; calls on the Member States, in close cooperation with the Commission, to develop AI applications aimed at automating and facilitating e-government services, for example in the areas of tax administration, customs and consumer protection or the notification of cross-border business activities; urges Member States to use public procurement as an instrument to support the responsible development of AI for the benefit of new market entrants, citizens and consumers; underlines that explainable and unbiased algorithms that meet the obligation of sufficient transparency, as well as the use of open data in line with Directive (EU) 2019/1024 on open data and the re-use of public sector information, are essential to ensure that businesses and consumers can trust in, and benefit from, better, accessible, non-discriminatory and reliable public services at a fair cost.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	7.7.2020
Result of final vote	+: 39 -: 1 0: 4
Members present for the final vote	Alex Agius Saliba, Andrus Ansip, Alessandra Basso, Brando Benifei, Adam Bielan, Hynek Blaško, Biljana Borzan, Vlad-Marius Botoș, Markus Buchheit, Dita Charanzová, Deirdre Clune, David Cormand, Petra De Sutter, Carlo Fidanza, Evelyne Gebhardt, Alexandra Geese, Sandro Gozi, Maria Grapini, Svenja Hahn, Virginie Joron, Eugen Jurzyca, Arba Kokalari, Marcel Kolaja, Kateřina Konečná, Andrey Kovatchev, Jean-Lin Lacapelle, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Antonius Manders, Beata Mazurek, Leszek Miller, Kris Peeters, Anne-Sophie Pelletier, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Kim Van Sparrentak, Marion Walsmann, Marco Zullo
Substitutes present for the final vote	Pascal Arimont, Maria da Graça Carvalho, Edina Tóth, Stéphanie Yon-Courtin

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

39	+
EPP	Pascal Arimont, Maria da Graça Carvalho, Deirdre Clune, Arba Kokalari, Andrey Kovatchev, Antonius Manders, Kris Peeters, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Edina Tóth, Marion Walsmann
S&D	Alex Agius Saliba, Brando Benifei, Biljana Borzan, Evelyne Gebhardt, Maria Grapini, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Leszek Miller, Christel Schaldemose
RENEW	Andrus Ansip, Vlad-Marius Botoș, Dita Charanzová, Sandro Gozi, Svenja Hahn, Stéphanie Yon-Courtin
GREENS/EFA	David Cormand, Petra De Sutter, Alexandra Geese, Marcel Kolaja, Kim Van Sparrentak
ECR	Adam Bielan, Carlo Fidanza, Eugen Jurzyca, Beata Mazurek
EUL/NGL	Kateřina Konečná, Anne-Sophie Pelletier
NI	Marco Zullo

1	-
ID	Hynek Blaško

4	0
ID	Alessandra Basso, Markus Buchheit, Virginie Joron, Jean-Lin Lacapelle

Key to symbols:

+ : in favour

- : against

0 : abstention