The European Commission published a proposal for a directive on adapting non-contractual civil liability rules to artificial intelligence (so-called AI liability directive) on 28 September 2022.

In its 2020 report on the safety and liability implications of artificial intelligence, the internet of things and robotics, the Commission identified the specific challenges posed by artificial intelligence to existing liability rules. The European Parliament voted in 2020 a legislative resolution by Axel Voss (EPP, DE) calling for harmonising the legal framework for civil liability claims and for imposing a regime of strict liability on operators of high-risk AI systems.

In the draft AI liability directive, the Commission proposes to complement and modernise the EU liability framework to introduce new rules specific to damages caused by AI systems. The new rules intend to ensure that persons harmed by AI systems enjoy the same level of protection as persons harmed by other technologies in the EU. The AI liability directive would create a rebuttable 'presumption of causality', to ease the burden of proof for victims to establish damage caused by an AI system. It would furthermore give national courts the power to order disclosure of evidence about high-risk AI systems suspected of having caused damage. The Commission asks for feedback on its proposal.

In parallel, the Commission published a proposal to revise the product liability directive (PDL) that covers producer’s no-fault liability for defective products (see specific carriage on new product liability directive).

In the EP, the file is attributed to the Committee on Legal Affairs (JURI) and Axel Voss (EPP, Germany) has been appointed as a rapporteur.

In Council, preliminary discussions have been held in meetings of the Working Party on Civil Law Matters in January 2023.

The discussions on that file will be taken up again at a later stage following the progress of the negotiations on the closely linked AI Act.

The European Economic and Social Committee (EESC) adopted an opinion on the proposal on 25 January 2023.
References:

- Council, *Overview of the current legislative proposals under the Swedish Presidency*, March 2023
- Economic and Social Committee, *Artificial intelligence liability directive*, January 2023
- European Commission, *Report on the safety and liability implications of Artificial Intelligence, the Internet of Things and robotics*, COM/2020/64 final
- European Commission, *Adapting liability rules to the digital age, the circular economy and global value chains*, June 2021
- European Parliament, *Committee on Legal Affairs draft report with recommendations to the Commission on a Civil liability regime for artificial intelligence*, 2020/2014 (INL)

Further reading:


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