



2020/2012(INL)

15.4.2020

DRAFT OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on Legal Affairs

with recommendations to the Commission on the framework of ethical aspects of artificial intelligence, robotics and related technologies
(2020/2012(INL))

Rapporteur for opinion: Alexandra Geese

(Initiative – Rule 47 of the Rules of Procedure)

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

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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:

Scope

1. Underlines the importance of an EU regulatory framework being applicable where consumers within the Union are users of or subject to an algorithmic system, irrespective of the place of establishment of the entities that develop, sell or employ the system;
2. Notes that the framework should apply to algorithmic systems, including the fields of artificial intelligence, machine learning, deep learning, automated decision making processes and robotics;
3. Stresses that any future regulation should follow a differentiated risk-based approach, based on the potential harm for the individual as well as for society at large, taking into account the specific use context of the algorithmic system; legal obligations should gradually increase with the identified risk level; in the lowest risk category there should be no additional legal obligations; algorithmic systems that may harm an individual, impact an individual's access to resources, or concern their participation in society shall not be deemed to be in the lowest risk category; this risk-based approach should follow clear and transparent rules;

Data Management

4. Underlines the importance of an ethical and regulatory framework including in particular provisions on the quality of data sets used in algorithmic systems, especially regarding the representativeness of training data used, on the de-biasing of data sets, as well as on the algorithms themselves, and on data and aggregation standards;

Consumer protection: transparency and explainability of algorithms

5. Believes that consumers should be adequately informed in a timely, impartial, easily-readable, standardised and accessible manner about the existence, process, rationale, reasoning and possible outcome of algorithmic systems, about how to reach a human with decision-making powers, and about how the system's decisions can be checked, meaningfully contested and corrected;
6. Recalls the importance of ensuring the availability of effective remedies for consumers and calls on the Member States to ensure that accessible, affordable, independent and effective procedures are available to guarantee an impartial review of all claims of violations of consumer rights through the use of algorithmic systems, whether stemming from public or private sector actors;
7. Stresses that where public money contributes to the development or implementation of an algorithmic system, the code, the generated data -as far as it is non-personal- and the trained model should be public by default, to enable transparency and reuse, among other goals, to maximise the achievement of the Single Market, and to avoid market fragmentation;

Internal market: consumer information and awareness

8. Underlines the importance of ensuring that the interests of marginalised and vulnerable consumers and groups are adequately taken into account and represented in any future regulatory framework; notes that for the purpose of analysing the impacts of algorithmic systems on consumers, access to data should be extended to appropriate parties notably independent researchers, media and civil society organisations, while fully respecting Union data protection and privacy law; recalls the importance of training and giving basic skills to consumers to deal with algorithmic systems in order to protect them from potential risks and detriment of their rights;
9. Underlines the importance of training highly skilled professionals in this area and ensuring the mutual recognition of such qualifications across the Union;

Market surveillance

10. Calls for the Union to establish a European market surveillance structure for algorithmic systems issuing guidance, opinions and expertise to Member States' authorities;
 11. Notes that it is essential for the software documentation, the algorithms and data sets used to be fully accessible to market surveillance authorities, while respecting Union law; invites the Commission to assess if additional prerogatives should be given to market surveillance authorities in this respect;
 12. Calls for the designation by each Member State of a competent national authority for monitoring the application of the provisions;
 13. Calls for the establishment of a European market surveillance board for algorithmic systems, to ensure a level playing field and to avoid fragmentation of the internal market, to decide with a qualified majority and by secret vote in case of different decisions on algorithmic systems used in more than one Member State, as well as at the request of the majority of the national authorities;
- to incorporate the following recommendations into the annex to its motion for a resolution:
14. ...