

11th January 2019

Draft Position Paper

EUnited Comments on the European Commission's High-Level Expert Group (HLEG) on AI's *Draft Ethics Guidelines for Trustworthy AI* & *A definition of AI* documents published on the 18th December 2019

EUnited welcomes the European Commission's initiative to work on a set of guidelines concerning the uptake and use of artificial intelligence (AI) in the European Union. It in particular welcomes efforts to define what we mean by the term AI, particularly in the context of ongoing evaluations of existing legislation.

Following the publication on the 18th December 2018 of the HLEG on AI's *Draft Ethics Guidelines for Trustworthy AI* as well as *A Definition of AI: Main Capabilities and Scientific Disciplines*, EUnited has the following observations:

Definition

EUnited's members believe that any definition of AI should describe current and reasonably foreseeable technology and should avoid capturing technology which doesn't exist and is highly unlikely to exist in the foreseeable future or is commensurate with marketing rather than any available or foreseeable technology.

Secondly, EUnited suggests removing all notions from the AI definition which explicitly or implicitly equate machines to humans (phrases and words such as, "perception", "human intelligence", "reasoning", "interpreting", "reaching conclusions", "learning" etc.). In each case, we offer alternative wording to avoid this risk.

As such our proposed definition would be:

Artificial intelligence (AI) refers to computer systems designed by humans that, given a complex task, act by processing the structured or unstructured data collected in their environment according to a set of instructions and operations, determining the best action(s) to take to perform the given task, via software or hardware actuators. AI computer systems can also adapt their behaviour by analysing how the environment is affected by their previous actions.

Ethics Guidelines

EUnited welcomes many aspects of the Guidance and the logic of the document described in the introduction is clear and helpful. However, the document remains extremely long and detailed for a set of guidelines. There may also be some missing concepts in our opinion. Our comments are as follows:

- This Guidance appears to follow the precautionary principle. That is to say there does not appear to be a section dealing with the risks associated with *not* using AI technology.
- Linked to the above, there may also be instances where using AI may be *more* ethical than not doing so (for example in some medical/healthcare applications), yet this terrain is not explored in the paper.
- EUnited understands that Chapter III will be completed by a series of use cases to illustrate “how the framework for trustworthy AI and the Assessment List can be tailored to specific contexts”. It is of the utmost importance for an effective ethical guideline to clearly distinguish areas/applications of high and low risk, rather than outlining risks and approaches and treating them in the same way, regardless of the actual risk in the specific field. A one-size-fits-all approach is not suitable here. After all, many AI systems which currently exist operate in applications where there is no contact with humans or impact on them, or they are systems carrying out very simple tasks for which an analysis of all the ethical considerations contained in the Guidance would be disproportionate.
- Linked to the previous point, there are moments where the Guidance seems overly prescriptive and difficult to imagine being applied in practice. For example, whilst EUnited agrees entirely with the fact that bias is a critical potential problem that must be considered in these guidelines, prescribing non-discrimination requirements on the gender, ethnicity, age, sexual orientation (pg.23) to ensure diversity of teams working on AI systems in companies may be theoretically desirable, but practically unobtainable, particularly for SMEs. The real importance lies in ensuring that AI systems do not lead to discrimination in their application.
- In general, it should be borne in mind that AI systems are incredibly broad in terms of the intended application. Ethical considerations should be proportionate to the risks associated with the application, taking into account what rights and obligations are already enshrined in European Law, such as safety and human rights legislation.

EUnited remains at the Commission’s disposal for more in-depth discussions of the point set out in these comments.