Lucia Caudet meeting with

Google
Brussels, 4 May 2020

<u>**Line to take**</u>

- The Commission supports a regulatory and investment oriented approach with the twin objective of promoting the uptake of <u>Artificial Intelligence</u> (AI) and of addressing the risks associated with certain uses of this technology.

- The White Paper published on 19 February contains policy proposals to implement the EU's human-centric approach to AI. The proposals aim to create an ecosystem of excellence, which can only be realised if accompanied by an ecosystem of trust.

- According to the Commission's approach to AI, a framework based on fundamental EU values and rights and on robust safety requirements will give citizens the confidence to embrace AI-based solutions while encouraging businesses to develop them.

- Issues related to <u>digital services, and online platforms</u> in particular, will be addressed in the forthcoming Digital Services Act (DSA) package. We are, amongst other, looking at the transparency and reliability of a series of algorithmic processes, not least related to online advertising, recommender systems of content moderation.

- The open public consultation for the DSA should start in the coming weeks and we welcome contributions and engagement on the specific issues.

<u>**Scene Setter**</u>

<u>*AI*</u>

Google- and even more so its mother company Alphabet, is very active in the field of AI.

Google has a lot to lose from possible regulation on digital issues. Therefore, it is generally supportive of non-legislative actions reassuring the public. In particular, on AI it has been proactively promoting ethical principles and their implementation.

The seven AI principles of Google (launched in June 2018, see annex) are non-controversial but generic. Similarly, Google's red lines are sound but worded in a way avoiding stringent commitments.

On 21 November 2019, Google introduced its "Google Cloud AI Explanations" tool which is supposed to quantify each data factor's contribution to the output of a machine learning model. It also introduced "Model cards", a kind of standardised product information for AI products.

Both initiatives have the advantage for Google of being proactively ethical and reinforcing its position vis-à-vis start-ups that do not have the resources to launch similar projects.

Google's White Paper on AI governance (February 2019) also calls for regulation through dialogue with industry rather than legislation.

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Google is represented in the AI High-Level Expert Group (HLEG) established by the EC in June 2018. Therefore it could not participate in the deep dives (around 50 organisations, not part of the HLEG, were selected for an in depth evaluation of the trustworthy AI assessment list developed by the HLEG), but it did participate in the online survey of the assessment list. In its submission, the company agrees with the topics covered by the EU Ethical Guidelines Assessment List. In establishing Google's procedures to implement their AI principles they had similar considerations — albeit in a manner tailored to specific applications and issue areas rather than a generic standardised list. Because of this, the Assessment List in its current form seems less effective for Google to adopt than their application and context specific approach. However, they agree that a revised version of the Assessment List could be a helpful starting prompt for those organisations who have not yet established procedures for ensuring responsible AI implementation. More specifically Google proposes clarifications and simplifications to the list.

Google (following a discussion with CNECT services) submitted two initiatives to the AI & COVID initiatives repository, namely: Kaggle COVID-19 Open Research Dataset Challenge, and Google Cloud Rapid Response Virtual Agent.

ONLINE PLATFORMS

The Commission announced, in the Communication on Shaping Europe's Digital Future, a Digital Services Act Package, including two instruments:

1. New and revised rules to deepen the Internal Market for Digital Services, by increasing and harmonising the responsibilities of online platforms and information service providers and reinforce the oversight over platforms' content policies in the EU.

2. The Commission will further explore, in the context of the Digital Services Act package, ex ante rules to ensure that markets characterised by large platforms with significant network effects acting as gatekeepers, remain fair and contestable for innovators, businesses, and new market entrants.

The package is announced in the Commission's Work Programme for Q4 2020. Commissioner Breton announced in the French Senate that some minor delay might follow. No formal update to the Commission Work Programme was made to date.

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Background

Google's AI principles

1. Be socially beneficial.

2. Avoid creating or reinforcing unfair bias.

3. Be built and tested for safety.

4. Be accountable to people.

5. Incorporate privacy design principles.

6. Uphold high standards of scientific excellence.

7. Be made available for uses that accord with these principles.

Google's red lines

1. Technologies that cause or are likely to cause overall harm. Where there is a material risk of harm, we will proceed only where we believe that the benefits substantially outweigh the risks, and will incorporate appropriate safety constraints.

2. Weapons or other technologies whose principal purpose or implementation is to cause or directly facilitate injury to people.

3. Technologies that gather or use information for surveillance violating internationally accepted norms.

4. Technologies whose purpose contravenes widely accepted principles of international law and human rights.

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EU strategy on Artificial Intelligence

On 25 April 2018 the Commission adopted the **Communication "Artificial Intelligence for Europe"**, outlining three main priorities: (i) boost the EU's technological and industrial capacity and AI uptake across the economy; (ii) prepare for socio-economic changes brought by AI; (iii) ensure an appropriate ethical and legal framework.

The Commission then adopted a **Coordinated Plan** on the development of AI in Europe to maximise the impact of investments and to collectively define the way forward on 7 December 2018. It comprises some 70 individual measures, including research, investment, market transfer, skills and talent, data, ethical and legal framework and international cooperation.

Regarding **safety and liability** the Commission established an expert group on "Liability and New Technologies", in two distinct formations. As a result of the expert work, the Commission will publish interpretative guidance on the Product Liability Directive and a Report on the broader implications for, potential gaps in and orientations for, the liability and safety frameworks for Artificial Intelligence, Internet of Things and robotics.

In April 2019 **Ethics Guidelines for Trustworthy AI** (accompanied by an **assessment list** aiming at operationalizing them) were published by the High-Level Expert Group on AI established by the Commission in June 2018. The Guidelines are addressed to all relevant stakeholders developing, deploying or using AI, encompassing companies, organisations, researchers, public services, institutions, individuals or other entities. The guidelines are based on fundamental rights and ethical principles.

Policy and investment recommendations were also developed by the High-Level Expert Group, who looked at the main goals or impacts that they would like to achieve for AI, and at the main enablers that can make such impact happen such as funding, skills, data and infrastructure as well as regulation. The final version of the policy and investment recommendations was presented on 26 June 2019. It was addressed to Member States and to the new Commission.

On 19 February 2020 the Commission presented a digital package containing inter alia a **White Paper on Artificial Intelligence**, a data strategy and a report on the safety and liability aspects of artificial intelligence. The White Paper launched a wide public consultation that will run until 14 June 2020.

This White Paper contains policy proposals to implement the EU's human-centric approach to AI. The proposals aim to create an ecosystem of excellence, which can only be realised if accompanied by an ecosystem of trust.

According to the Commission's approach to AI, a framework based on fundamental EU values and rights and on robust safety requirements will give citizens the confidence to embrace AI-based solutions while encouraging businesses to develop them.

To create an ecosystem of **excellence** the Commission proposes to use Horizon Europe and the Digital Europe programme to support:

- A new public-private partnership in AI, data and robotics;
- The strengthening and networking AI research excellence centres;
- The set up of AI testing and experimentation facilities;

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- AI-focused digital innovation hubs, which facilitate the uptake of AI by SMEs and public administrations;
- An alliance of universities for the strengthening of AI (data science) skills
- An increase in the provision of equity financing for innovative developments and deployment in AI through InvestEU.
- Sector dialogues to facilitate the development of a new programme ('Adopt AI') to support public procurement of AI systems.
- International cooperation with like-minded countries, companies and civil society on AI based on EU rules, values and safety requirements.

To create an ecosystem of **trust** the Commission proposes the following:

- A risk-based and proportionate regulatory approach;
- The identification of high-risk AI systems through a combination of (i) sector and (ii) concrete use of the system;
- In certain cases, AI systems can be considered high-risk, irrespective of the sector (e.g. recruitment processes and remote biometric identification);
- Mandatory requirements for high-risk AI systems only:
  o Training data should be of high quality and respect EU's rules and values
  o Record keeping of the relevant data sets and of the programming and training methodologies
  o Provision of information about the AI system's performance
  o Robustness and accuracy
  o Human oversight
- For AI systems that are not high-risk, a voluntary label could be considered.
- For remote biometric identification (e.g. facial recognition), the White paper is launching a broad European debate.
- The goal is to intervene only where this is strictly needed and in a way that minimises the burden for the economic operators.
- Thus, the EU is supporting a regulatory approach that is proportionate, not excessively prescriptive and does not hamper innovation worldwide.

With the White Paper the Commission has launched a wide public consultation ending on 14 June 2020. We invite comments from every strand of society to come back to us with their input, in order for us to assess it and start preparing what might be needed in legislation as well as to launch investment and funding that will allow us to make the most of AI.

The EU is also closely cooperating at the international level with the OECD, G7, G20 etc. and there are many bilateral contacts, for example with Canada, Japan and Singapore. It is important to have (at least a partial) consensus on ethical values at global level.

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High-Level Expert Group on Artificial Intelligence

In 2018, the Commission has set up a High-Level Expert Group on Artificial Intelligence (HLEG AI), drawn from a wide variety of stakeholders, such as academia, business and civil society organisations, to draft AI ethics guidelines.

In parallel, the Commission has created the European AI Alliance, a platform bringing together more than 4000 relevant stakeholders, to allow stakeholders to contribute to the discussions. More than 500 contributions were received via the AI alliance.

The HLEG AI published ethical guidelines on 8 April 2019. The guidelines are a document of the HLEG AI. They are not a Commission document, nor are they binding. However, the Commission welcomed their work and the seven key requirements they set out in their guidelines.

The guidelines define a list of seven key requirements for human-centric AI:

- Human agency and oversight
- Technical robustness and safety
- Privacy and data governance
- Transparency
- Diversity, non-discrimination and fairness
- Societal and environmental well-being
- Accountability

The guidelines also propose a checklist for practical use (the "assessment list"), so that stakeholders can verify whether they comply with the key requirements.

A Piloting Process for the Trustworthy AI Assessment List was taking place until the end of 2019. Organisations have been invited to register and provide feedback on the Assessment List. Around 50 organisations were selected for so-called deep dives, i.e. in depths interviews on the practicability of the assessment list.

The HLEG is currently revising the assessment list. Results are scheduled to be available in June.

The revised assessment list will be an important input to our work on the legal framework.

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