

Policy Recommendations for a European Tech Agenda

Europe's opportunity to preserve an enabling environment for innovation and ensure its global competitiveness and security

The Information Technology Industry Council (ITI) is the premier advocate and thought leader for the global technology industry. ITI's membership comprises 70 of the leading technology and innovation companies from all corners of the information and communications technology (ICT) sector, including hardware, software, digital services, semiconductor, network equipment, cybersecurity, and Internet companies.

The technological innovations of ITI's members, and the digitalisation of the economy more broadly, bring innumerable benefits to European industry and society. The tech sector empowers European companies of all sizes and across industries – from agriculture to education, financial services to manufacturing, healthcare to energy and transportation – to leverage frontier innovations towards competition and success in the global marketplace. Whether it is sensors that detect health and safety hazards for workers in real time, or artificial intelligence that allows doctors to analyse complex medical data faster than ever, technology allows us to address some of the most challenging issues of our time and improve the quality of everyday life for Europeans. The tech sector is also already taking significant steps to help prepare the workforce of the future for the shifting skills and competencies that are required in the 21st century.

Tech policy is a crucial priority in the 2019-2024 EU term, one on which Europe has an opportunity to play an international leadership role on policy issues that are increasingly global. ITI and its members believe that building trust and fostering the public interest in the era of digital transformation are essential. Our companies have made great strides in bringing the positive societal benefits of transformative technologies to fruition and remain committed to upholding the fundamental principles of privacy, inclusivity, transparency, and democracy that underpin European society. We believe in the importance of preserving an enabling environment for innovation to ensure Europe's global competitiveness and security. Europe's digital infrastructure is the foundation for that. 5G is a core element to support digital transformations in industry and society, estimated to enable more than €2.2 trillion worth of economic output in Europe by 2030.

ITI has developed recommendations outlining concrete steps that policymakers can take, in partnership with industry, academia, civil society, and other stakeholders, to effectively implement the ambitious agenda for **"Shaping Europe's Digital Future"** launched by the European Commission in February 2020. Our recommendations address the economic and social implications of technology and the role of our industry, in a manner that supports innovation, while recognising the public interests at stake.

Read ITI's full EU Policy Recommendations [here](#).

Artificial Intelligence

Global convergence will benefit the people, society and economy of Europe

Europe has an opportunity to take an international leadership role on Artificial Intelligence (AI). In view of the publication of the European Commission's [White Paper on AI](#) on 19 February 2020, ITI offers the following recommendations **for a successful European AI agenda**, addressing the economic and social implications of technology and the role of our industry, in a manner that supports innovation, while recognising the public and individual interests at stake.

Technological innovations bring innumerable benefits to the European economy and society. We are already experiencing the benefits of AI in an array of fields. **Promoting these advances is no less important than managing any potential challenges.** Stakeholders globally are aware of and addressing the main challenges posed by AI. For instance, there is a recognition of the need to mitigate bias, inequity, and other potential harms in automated decision-making systems.

The tech industry shares the goal of **responsible AI use and development**. As technology evolves, we take seriously our responsibility as enablers of a world with AI, including seeking solutions to address potential negative externalities and helping to train the workforce of the future.

Our Recommendations

1. **AI policy should be flexible to match the rapid pace of technological development.** AI is a suite of technologies capable of learning, reasoning, adapting, and performing tasks in ways inspired by the human mind. The technology is constantly evolving and improving, as are the tools to address some of the challenges around explainability, bias, and fairness. The potential benefits of AI development are enormous and premature legislation should be mindful of the fast pace of technological advancement.
2. **Context is key in identifying appropriate policies.** Our industry is committed to partnering with relevant stakeholders to develop a reasonable accountability framework for AI. As leaders in the AI field, ITI members recognise their important role in making sure technology is built and applied for the benefit of everyone. We support the EU's "human centric" approach which underlines ethical aspects in AI deployment. But **approaches must be context- and risk-specific and should take into account that not all applications require an all-encompassing fundamental rights-based approach.** Some basic AI uses have little or no impact on individuals' rights, such as in the context of industrial automation and analytics to streamline automobile manufacturing or to improve baggage handling and tracking at busy European airports. Many other uses – e.g. in medicine, financial services or transport – are subject to sectoral regulation already. A proper assessment of applicable laws should precede new legislation that could lead to conflicts of law.
3. **Prioritise an effective and balanced liability regime.** AI presents great opportunities for society in different fields yet raises valid concerns around responsible and safe deployment. The clarification of rules around liability, currently designed for physical products, is an appropriate area of focus. There are also important considerations about finding the appropriate balance of ex-ante, preventive rules and ex-post remedies. We support a framework that adequately compensates victims for damages and provides a clear path for redress. In many cases the current regime will be easily applied in an AI/software context, but there might be cases where rules may have to be reviewed or amended. **Any review will have to take into account use cases that can have an effect on liability.** Digital products are developed through a trial and error process aimed at constantly improving products and services,

including their safety and security, even after they are made available to the public. If a vulnerability or a harmful exploit is detected in a product or service in the market, developers send out patches to mitigate such risks, giving a new dynamic to the liability framework as users can choose not to install patches, raising questions around responsibilities between producer and user. In that sense, applying the exact same rules to AI as for other types of products might be hard.

4. **The EU should further the development and use of AI *globally* by cooperating with its international partners.** As the AI ecosystem is global and the technology is not developed in regional siloes, the most effective means of advancing Europe's AI agenda is to expand the discussion beyond national borders. Europe should move away from an 'AI made in Europe' narrative – many AI products and services used in Europe are comprised of both European and non-European elements developed in different locations and in line with international standards. The EU should work towards trustworthy AI for its citizens by ensuring its approach fosters the region's global competitiveness, in turn helping Europe shape global AI governance.
5. **Recognise the significance of Europe's mutual interdependence with like-minded democratic countries, and the importance of shared common values** like trust, fairness, explainability, effectiveness, safety, and human oversight - the core principles that need to guide future policy action on AI. There is a valuable opportunity in working together to shape balanced solutions in situations where the application of some of these values conflicts in practice – for example, when explainability (through simpler algorithms) can conflict with accuracy, or human intervention reduces quality results (e.g. in misreading medical scans).
6. **Assessing the need for upgrading the regulatory framework to enable AI to fulfil its potential in Europe is crucial** to identify what legislative gaps exist and the extent to and manner in which any such gaps should be filled. We value the evaluation of sector-specific legislation that is being carried out by the European Commission. Many ITI members have also engaged in the European Commission's High-Level Expert Group (HLEG) on AI and helped create the ensuing ethics guidelines and policy recommendations; several of our members have also partaken in the AI piloting phase. We encourage the European Commission to continue involving stakeholders in the crafting of the European AI approach, including any regulation.
7. **Availability of and responsibility for securing personal data** is key, as many promising uses of AI rely on personal data. By leveraging large and diverse datasets and increased computing power and ingenuity, AI developers and other stakeholders innovate across industries to find solutions that will meet the needs of individuals and society in unprecedented ways. AI-driven medical diagnostics can alert doctors to early warning signs to more capably treat patients. Increasingly intelligent systems are capable of monitoring large volumes of financial transactions to more efficiently identify fraud. SMEs can gather new insights and improve their businesses by using AI and data analytics made available to them through cloud services.
8. **Support global, voluntary, industry-led standardisation.** Standardisation can help form a bridge between AI regulations and practical implementation. The EU should support and safeguard the work and processes of international standards development bodies. Global AI standards can help establish global consensus around technical aspects, management, and governance of the technology, as well as frame concepts and recommended practices to establish trustworthiness of AI inclusive of privacy, cybersecurity, safety, reliability, and interoperability. Standards must not establish market access barriers or preferential treatment; rather, they should work for the benefit of the international community and be applicable without prejudice to cultural norms and without imposing the culture of any one nation in evaluating the outcomes/use of AI.

9. **Ideas for new ex-ante conformity assessments that include independent audit and testing by public authorities to ensure that high-risk AI applications adhere to EU rules should carefully consider the practicability and added value of such an approach, taking into account existing sectoral certification processes.** While we appreciate the need for strong assurances, it is not at all clear that the existing conformity assessment infrastructure could effectively carry out prescribed testing on what are often among the most socially valuable applications of AI. For instance, the lack of expertise needed to evaluate datasets or algorithms in sufficient depth as well as the volume of requests would create significant practical and capacity challenges, particularly if such evaluations could only be undertaken by Notified Bodies. Finally, giving an independent assessment body access to the underlying data used to train a model, including algorithms, source code, or other proprietary information, could also lead to conflicts of laws.