



Center for AI and
Digital Policy



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Dragoş Tudorache, Chair of the Special Committee on Artificial Intelligence in a Digital Age (AIDA)

David McAllister, Chair of the Committee on Foreign Affairs (AFET)

Nathalie Loiseau, Chair of the Subcommittee on Security and Defence (SEDE)

Axel Voss, Rapporteur of the Special Committee on Artificial Intelligence in a Digital Age (AIDA)

Urmaz Paet, Vice-Chair of the Committee on Foreign Affairs (AFET)/ Member of the Subcommittee on Security and Defense (SEDE)

Members of the AIDA, AFET, and SEDE Committees

European Parliament

Brussels, Belgium

Dear Members of the Parliament,

We write to you, on behalf of the Center for AI Digital Policy (CAIDP), regarding the hearings this week on the “External Dimensions of AI.” We understand that the AIDA, AFET and SEDE committees will explore “AI diplomacy and governance in a global setting: towards regulatory convergence” and “AI, cybersecurity and defence.”¹ We fully support this work and also want to commend you for the open and inclusive process to develop AI policy.

The Center for AI and Digital Policy is a global research center, established to advise national governments and international organizations on AI and Digital Policy. The CAIDP was granted Observer status for the Council of Europe Ad Hoc Committee on Artificial Intelligence (“CAHAI”). We have published *Artificial Intelligence and Democratic Values*,² a comprehensive report on the AI policies and practices in 30 countries (including several Member States), and the Social Contract for the Age of AI.³ We found that the values-driven approach of EU Member States tended to produce higher scores for trustworthy and human-centric AI. We have also recently provided comments to the US National Commission on AI regarding the US AI national strategy.⁴

¹ Special Committee on Artificial Intelligence in a Digital Age (AIDA), Joint hearing on the external policy dimension of AI, 1, 4 March 2021,

https://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/AIDA/DV/2021/03-01/Final_Programme_externalpolicydimensionofAI_V26FEB_EN.pdf

² Center for AI and Digital Policy, *Artificial Intelligence and Democratic Values* (2020) (the “CAIDP Report”), <https://caidp.dukakis.org/aisci-2020/>

³ Boston Global Forum, Framework for Social Contract 2020, <https://dukakis.org/news-and-events/framework-for-social-contract-2020-a-new-social-contract-in-the-age-of-artificial-intelligence-2/>

⁴ CAIDP, *Statement on US National AI Strategy to NSCAI* (Feb. 26, 2021)

<https://caidp.dukakis.org/app/download/8297285563/CAIDP-NSCAI-02262021.pdf>

Regarding the specific AI policy work underway at the European Parliament, we reported on the resolution to establish legal obligations for artificial intelligence and robotics (including software, algorithms and data), a second resolution that would make those operating high-risk AI systems strictly liable for any resulting damage, and a third resolution on intellectual property rights.⁵ We also noted the hearings of LIBE concerning AI and fundamental rights and AI in criminal justice,⁶ and the report concerning *The Impact of the General Data Protection Regulation (GDPR) on Artificial Intelligence*. That study examined the proximities between AI and data protection principles, such as purpose limitation and data minimization.⁷ And we are aware of the recent resolution of the European Parliament on international law for civil and military uses of AI.⁸

Regarding the External Dimensions of AI, we agree with the premise of the hearings in the Parliament – there is clearly regulatory convergence. This is reflected in the support of over 50 countries for the OECD/G20 AI Principles⁹ as well as the practical challenges that all countries face, seeking to maximize the benefits of AI technology while minimizing the risks. In fact, in our evaluation of national AI policies and practices, we considered both endorsement and implementation of the OECD/G20 AI Principles as key metrics to evaluate human-centric, trustworthy AI.¹⁰

At the same time, we see particular urgency in the need to safeguard democratic values, including fairness, accountability, and transparency, in a global framework with legal force. Technology advances at a quick pace. Policymaking is necessarily slower and more deliberative. There is a real risk that systems for mass surveillance and opaque processing will take hold before there is an opportunity for debate and assessment.¹¹

⁵ CAIDP Update 1.12, *European Parliament Adopts Resolutions on AI* (Oct. 24, 2020), <https://dukakis.org/center-for-ai-and-digital-policy/caidp-update-european-parliament-adopts-resolutions-on-ai/>

⁶ CAIDP Update 1.8, *LIBE Committee of EU Parliament Examines AI Practices, Data Protection*, (Sept. 9, 2020), [https://dukakis.org/center-for-ai-and-digital-policy/caidp-update-libe-committee-of-eu-parliament-examines-ai-practices-data-protection/European-Parliament-Committee-on-Civil-Liberties-Justice-and-Home-Affairs-On-artificial-intelligence-questions-of-interpretation-and-application-of-international-law-in-so-far-as-the-EU-is-affected-in-the-areas-of-civil-and-military-uses-and-of-state-authority-outside-the-scope-of-criminal-justice-\(2020/2013\(INI\)\)-\(Nov.-23-2020\),](https://dukakis.org/center-for-ai-and-digital-policy/caidp-update-libe-committee-of-eu-parliament-examines-ai-practices-data-protection/European-Parliament-Committee-on-Civil-Liberties-Justice-and-Home-Affairs-On-artificial-intelligence-questions-of-interpretation-and-application-of-international-law-in-so-far-as-the-EU-is-affected-in-the-areas-of-civil-and-military-uses-and-of-state-authority-outside-the-scope-of-criminal-justice-(2020/2013(INI))-(Nov.-23-2020),) https://www.europarl.europa.eu/doceo/document/LIBE-AD-652639_EN.pdf,

⁷ European Parliament Think Tank, *The impact of the General Data Protection Regulation (GDPR) on artificial intelligence* (June 25, 2020), [https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_STU\(2020\)641530](https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_STU(2020)641530)

⁸ European Parliament, *Artificial intelligence: questions of interpretation and application of international law in so far as the EU is affected in the areas of civil and military uses and of state authority outside the scope of criminal justice* (2020/2013(INI)) (20 January 2021), https://www.europarl.europa.eu/doceo/document/TA-9-2021-0009_EN.html

⁹ CAIDP Report at 330-331 (Reference Documents). Many AI experts and civil society organizations have also endorsed the Universal Guidelines for AI, <https://thepublicvoice.org/ai-universal-guidelines/>

¹⁰ Id. at 305-06 (Methodology).

¹¹ The 2009 Madrid Privacy Declaration, endorsed by several hundred NGOs and experts, called for a “moratorium on the development or implementation of new systems of mass surveillance, including facial recognition, whole body imaging, biometric identifiers, and embedded RFID tags, subject to a full and

We specifically recommend that the Parliament support an International Accord on AI, grounded in democratic values.¹² President von der Leyen and the Commission have already put forward a proposal for an EU-US Accord on AI.¹³ We support this initiative and recommend that other democratic nations be invited to join to promote multilateralism.

Although the CAIDP has not yet considered Lethal Autonomous Weapons Systems (LAWS) as a formal criteria in evaluating national AI policies and practices, our recent review of country policies strongly indicates support among democratic nations for limits on these systems.¹⁴ As we noted in our report, “one of the first AI applications to focus the attention of global policymakers was the use of AI for warfare.”¹⁵

Thank you for your consideration of our views. We would also welcome the opportunity to provide more detailed expert advice to the AIDA.¹⁶

Sincerely,



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transparent evaluation by independent authorities and democratic debate.”

<https://thepublicvoice.org/madrid-declaration/>

¹² Boston Global Forum, *World Leaders and Distinguished Thinkers at the First AI International Accord Panel*, AIWS Newsletter (Feb. 22, 2021), <https://bostonglobalforum.org/news-and-events/events/world-leaders-and-distinguished-thinkers-at-the-first-ai-international-accord-panel/>

¹³ President Von der Leyen Calls for Transatlantic AI Agreement at Boston Global Forum, *CAIDP Update 1.24* (Dec. 14, 2020), <https://dukakis.org/news-and-events/president-von-der-leyen-calls-for-transatlantic-ai-agreement-at-boston-global-forum/>

¹⁴ *CAIDP Report* at 24-25.

¹⁵ *Id.* at 24, fn. 75.

¹⁶ European Parliament, *Setting up a special committee on artificial intelligence in a digital age, and defining its responsibilities, numerical strength and term of office* 2020/2684(RSO) (18 June 2108), https://www.europarl.europa.eu/doceo/document/TA-9-2020-0162_EN.html