

*CAIDP Update 3.16 (July 7, 2022) – Czech Presidency Anticipates Banning Certain AI Systems*

The Republic of Czechoslovakia assumed the Presidency of the Council of the European for the second half of 2022. As such, the Czech Republic will have the opportunity to influence legislation now under consideration in the European Parliament. A quick review of priorities suggests that the Council will focus on the “red line” challenge under the Czech presidency.

The [Programme of the Czech Republic](#) includes several references to “Artificial Intelligence.” The document explains that “in a number of areas related to new technologies such as artificial intelligence, the EU has the opportunity to take advantage of being the ‘first mover,’ which as the possibility to lay down the rules of the global game.” The Czech Presidency drew attention to the implementation of the new European Industrial Strategy as one area to advance AI policies.

On the [EU AI Act](#), the Czech Presidency says it will seek consensus among EU member states. “Finding the appropriate balance between protecting human rights, citizen safety, and promoting the competition and innovation is key.” The program states that also key will be “the sensitive issue of assessing the risk of certain AI systems and banning them.”

The Czech Republic is a member of the OECD and endorsed the [OECD AI Principles](#) of 2019, which did not address directly the prohibition of AI systems, but did emphasize the need to “respect the rule of law, human rights and democratic values, throughout the AI system lifecycle.” The Czech Republic also backed the UNESCO Recommendation on AI Ethics of 2021, which prohibits the use of AI systems for social scoring and mass surveillance. In 2020, the country signed on to a position paper that emphasized the risk-based, single market approach reflected in the current draft of the EU Act.

The Czech Republic suggested it could coordinate a negotiation with the European Parliament on the EU AI Act, though it appears more likely that the negotiations between the Council, the Parliament, and the Commission will take place in early 2023 under the Swedish Presidency.

Under the prior French Presidency, [several proposals](#) were put forward in a compromise text to ensure that AI systems respect European Union values and existing laws on fundamental rights, ensure legal certainty to facilitate investment and innovation in AI, and enhance governance and effective enforcement. France’s proposals followed earlier recommendations from the Slovenian Presidency in 2021, which included a [proposal](#) to extend the ban on social scoring to private actors.