ERASMUS UNIVERSITEIT ROTTERDAM

From Voices to Policies:

Civil Society's Influence on the EU Artificial Intelligence Act (AIA)

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Abstract

Since its creation, the European Union has faced public backlash over concerns about democratic legitimacy. The decision-making process and initiation of legislative packages at the supranational level, involving the European Commission, the Council of the European Union, and the European Parliament, have generated concerns among scholars and European civil society, especially due to the lack of electoral accountability within the Commission. In recent decades, the Union has tried to address these concerns by evolving its consultation regime to include civil society. From business interests to NGOs and academia, numerous stakeholders contribute to EU decision-making. However, questions remain about how much these stakeholders are considered and how successful they are in attaining their preferences in specific policy fields.

In the emerging field of Artificial Intelligence (AI), the Commission launched a public consultation to initiate the first global attempt to regulate AI, through innovations such as ChatGPT. Given the implications for civil society and potential international spillover, this thesis addresses how much stakeholders influenced the proposed Artificial Intelligence Act (AIA) at the policy formulation stage. As the Commission lacks substantial expertise in this new area and cannot follow other legislative designs, regulating AI offered a unique chance to evaluate lobby success between private and public interest groups.

This thesis analysed the effects of (a) the nature of interests, (b) group size, and (c) information/expertise supplied by the stakeholders as potential drivers for lobby influence, inspired by collective action theory and research on lobby success. Despite the narrative of private interest domination in the Union's legislative process, the analysis of the AIA found that public interests, represented by NGOs and academic institutions, were more successful than private groups in translating their preferences into policy. Concluding that larger groups were more impactful than smaller ones, this study contradicts previous findings on the positive correlation between lobby success and information supply. Analysing the nature of interests delivers new findings on the AIA and challenges the narrative of the disadvantaged position of public interest representations in the European lobby arena.

Key words: *Artificial Intelligence Act, lobby success, policy formulation, interest group research*

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Abbreviations

AmCham EU	American Chamber of Commerce to the European Union
AI	Artificial Intelligence
AIA	Artificial Intelligence Act
CDT	Center for Democracy and Technology
FBK-ISR	Center for Religious Studies of Fondazione Bruno Kessler
CEA	Commissariat à l'Ènergie Atomique et aux Énergies Alternatives
EK	Confederation of Finnish Industries
CLAIRE	Confederation of Laboratories for Artificial Intelligence Research in Europe
CCBE	Council of Bars and Law Societies of Europe
DMA	Digital Markets Act
ACEA	European Automobile Manufacturers Association
CLEPA	European Association of Automotive Suppliers
Commission	European Commission
ERDi	European Digital Rights
EDF	European Disability Forum
EFPIA	European Federation of Pharmaceutical Industries and Associations
ENNHRI	European Network of National Human Rights Institutions
EP	European Parliament
EPIF	European Payment Institutions Federation
EWLA	European Women Lawyers Association
EWL	European Women's Lobby
BDI	Federation of German Industries
FCAI	Finnish Centre for Artificial Intelligence
GDPR	General Data Protection Regulation
HLEG	High Level Expert Group
ITI	Information Technology Industry Council
ITIF	Information Technology and Innovation Foundation
IG	Interest Group
JODI	Judicial Observatory on Digital Innovation
NGO	Non-Governmental Organization
OECD	Organization for Economic Co-operation and Development
SIIA	Software & Information Industry Association
CPME	Standing Committee of European Doctors

| Introduction

Governance and government *for*, *by* or *with* the people? The involvement of civil societies in the European Union (EU) and its legislative process has been a centrepiece of scholarly debate in the past decades (Scharpf, 2009; Greenwood, 2017, 2019). The EU legislation-making process is a complex phenomenon relying heavily upon balancing between different interests: either the European citizens represented in the European Parliament (hereafter, EP), the member states and their governments represented in the Council of the European Union (hereafter, the Council) or the interests of the EU's institutional interests by the European Commission (hereafter, the Commission). While the EP and the Council function as co-legislators, the Commission has the monopoly to initiate policy proposals (Nugent 2017; Hix & Høyland; 2022). But how does the Commission create its governance solutions to contemporary issues upholding democratic standards? And to what extent are civil actors and the broader European population included in this process?

As a supranational institution, democratic legitimacy is established either by (a) creating policies to govern public issues effectively or (b) acting on behalf of the people (Scharpf, 2009; Schmidt, 2013). In the Union's early years, technocratic experts dominated policy creation under the motto of creating policies for the people. The expert-driven decision-making was viewed critically from the very beginning. And despite the increasing involvement of the EP, as the institution directly elected by the people, the demand for more democratic legitimate legislation making grew consistently.

While the bigger institutional actors, EP and Council, are at the core of the decision-making, the European civil society seems more detached from the process (Nugent 2017; Hix & Høyland; 2022). In the public narrative, the Union remained too expert-driven lacking legitimate governance in both dimensions - *for* and *by* the people (Schmidt, 2013; Kohler-Koch & Finke, 2007; Schneider & Baltz, 2003). Continuous critics created a higher demand to include the under-represented civil society in the legislative process. Rising lobby activities in Brussels, since the late 90s, started a trend towards increased organized civil society involvement in the legislative process – as a form of governance with the people. While there is a foreseeable shift in EU policies towards more inclusiveness of civil society and other stakeholders, critical voices remain (Scharpf, 2003; Schmidt, 2013).

To counteract the Union's democratic deficit and lack of civil society involvement in the legislative process, initiatives such as the Better Regulation Guidelines aim to lower the threshold for civil society to participate in the policy process (European Commission, 2021a; Better Regulation, n.d.). Specifically in connection to governing critical European issues, the subject of disconnected EU decision-making has occupied the academic world ever since the EU's creation (Schmidt, 2013). The continuous challenges faced by its member states in the past years and the proposals to tackle them need

to find their roots in the European citizens, European society, and European governments to be sustained by those most affected at the end of the policy creation. Hence, the voices of civil society actors, businesses, NGOs and other interest groups (IG's) are becoming louder and louder, but how successful are these different voices in shaping the policy output created? And how important are they truly for the Commission to create its proposals on new legislation - especially in policy issues, no one else has considered before?

1.1. Research Aim

The most recent innovation keeping the EU's bureaucratic machine on its toes is ChatGPT by OpenAI. Artificial intelligence (AI) and new innovative tools on the digital market could fundamentally impact the functioning of global societies creating the need among policymakers to establish new legal frameworks (Neuwirth, 2023; European Parliamentary Research Service, 2023). In 2021, the Commission issued its proposal for the Artificial Intelligence Act (AIA) COM/2021/206 final, attempting to regulate AI for the first time on a global level. The proposal is expected to inspire future national, regional, and even global approaches to regulating AI - under the Union's pursuit to become a leading power in the field (European Parliamentary Research Service, 2023). Previously, in 2020, the Commission held a public consultation via the *Have-your-say* platform accompanied by the White Paper (COM (2020) 65 final to support the drafting of the AIA (Neuwirth, 2023; European Parliamentary Research Service, 2023). Still, past studies often questioned the real-life success of civil society on the Commission's proposals (Klüver, 2012, 2013; Junk, 2016). To examine the lobby's success at the policy-formulation stage, this study investigates the following research question: "To what extent did public and private interest groups influence the European Commission's proposal for the Artificial Intelligence Act (AIA), considering the nature of their interests, the IG's size and the information they provided?". This research, therefore, aims to examine the public-private IG dynamics and uncover explanatory mechanisms of lobby success on the newly established AIA.

1.2. Societal and Academic Relevance

On a societal level, the EU's AI proposal, currently under discussion by the Council and the EP at the third reading stage, is the first of its kind to regulate AI globally (European Commission, 2021b). As a pioneering project, the AIA addresses the need for regulatory measures in the rapidly evolving policy field (European Parliamentary Research Service, 2023). Examining the impact of private and public interests on the AIA contributes to ongoing debates about the EU's legislative inclusion of civil society. Evaluating lobbying dynamics enhances our understanding of the democratic quality of Commission proposals, particularly concerning new challenges posed by technological innovations.

Ensuring that the EU's actions align with civil society organizations and key stakeholders is crucial, as the larger European population is affected by the potential ramifications of AI. This makes this study especially relevant for minority groups that might be less protected, under the concerns in connection to discriminatory effects of unregulated AI technologies and applications. If the EU fails to produce regulations reflecting these preferences, its ability to develop regulations for the broader European population could be questioned.

On an academic level, this study contributes to the fields of political science and public policy, particularly in IG research and lobby success. The proposal aligns with the Commission's Better Regulation Initiative (2021a) enhancing legislative participation and proposal initiation. The introduced *Have-your-say* online platform intends to democratize the legislative process by allowing public input into EU proposals (Fraussen et al., 2020). The influence of input-driven online public consultations on legislative outcomes remains largely unexamined. This is particularly true for the AIA as the impact of public voices on legislative output leaves a gap in contemporary research. Therefore, studying lobby success at the policy formulation stage on the new AIA will offer insights into IG's capacity to influence European policies.

1.3. Research Structure

In studying the AIA, the research is structured in the following manner. In reviewing the academic literature on lobby success, the analysis introduces the collective action theory as the hypothetical basis for the study. Laying out the specific research design, methodological boundaries are introduced. Via preference attainment, AIA is analysed by examining the Commission's stance on three specific policy issues and introducing the stakeholders involved along with their policy positions. The investigation offers insights into the capacity of civil society actors to influence Commission proposal initiation, addressing a gap in academic studies on AI policy. The study concludes that the organizational size is moderately positively related to its influence on the AIA. Despite the Commission's lack of expertise in the field, the information and expertise supplied fail to convincingly explain lobby success. The democratic aspect of creating new policies and involving civil society enhances the Commission's legitimacy addressing significant policy issues. Hence, providing evidence that public interests prevail in influencing AI legislation, this research contributes to a more nuanced understanding of democratic legitimacy in the EU legislative process.

Chapter 2 | Theoretical Framework

The following chapter first introduces the maze of existing scholarship on lobbying and lobby success. Thereafter, the conceptual boundaries of lobby success will be reflected upon, before introducing collective action theory to examine interest group (IG) influence. These theoretical insights will produce the leading hypotheses necessary to address the purpose of this research.

2.1. Literature Review: Explaining Lobby Success

The explosion of lobby activities in Brussels throughout the 1990s created a kick-start for academic research in the field (Woll, 2006; Buena & Baumgartner, 2014). Initial studies quickly concluded that IG's are essential channels for societal demands at a supranational level and key actors to consider in the EU legislative process (Buena & Baumgartner, 2014; Coen & Richardson, 2009). Any form of interest representation – from individuals or organizations to institutions in the public or private sphere - trying to shape public policies became part of a complex balancing system of interest dynamics within the EU's policy process (Eising, 2008; Coen & Katsaits, 2013). While studying stakeholders' behaviour grew increasingly complicated, the investigative appeal expanded towards lobby success (Woll, 2006; Klüver, 2011; Buena 2013). The policy process produces winners and losers as certain interest representatives are more successful than others in translating their preferences into policy outputs (Buena, 2013; Klüver, 2011, 2012). Within this intrinsically complex lobby arena, scholars uncovered explanatory ties between lobby efforts and successful policy shaping. The current academic debate focuses on three main streams that determine IG's lobby success: (a) institutional-specific features, (b) policy-specific considerations and (c) IG-specific characteristics.

(a) Lobby Success: Institutional-Specific Features

Firstly, academics studied the rules of the game. The EU's institutional-specific features impact the ability of IG's influence as different access points to policymakers pre-determine lobby dynamics. According to Kohler-Koch & Finke (2007), the legal framework matters drastically. Under the ordinary legislative or consultation procedure, lobby groups already have different legal conditions which account for their capacity to influence policies (Crombez, 2002). Moreover, the Union's expansion of its consultation regime, with a tendency towards closer cooperation due to democratic legitimacy concerns, lowers the threshold to successful policy shaping in a practical matter (Kohler-Koch & Finke, 2007).

Next to these legal boundaries, scholars established the choice of lobby venues to be decisive. Often captured as points of access, IG's can target their efforts at regional, national or supranational levels. Hence, the choice of lobby venues, e.g. EP or the Commission, is a powerful element in lobby

efforts, with a favourable tendency of success towards the supranational level (Bouwen, 2004; Mazey & Richardson, 2015). While the density of lobbying the EP grew, contemporaries found that the Commission remains one of the most significant access points to impact legislation successfully (Buena, 2013; Klüver, 2011). In sum, the institutional setting matters greatly in explaining lobby success and patterns in policy-shaping, and the institutions chosen as a venue shape the capacities of the relevant stakeholders to control policy outcomes.

(b) Lobby Success: Policy-Specific Considerations

Secondly, academics focused on the type of game played. In other words, the policy issue and policy environment affect stakeholder influence, by creating topic-specific boundaries (Buena, 2013; Stevens & de Bruycker, 2020). Within every policy, a certain frame between what can be done (feasibility) and what is democratically supported (legitimacy) restricts the IG's opportunity to impact the legislation while holding decision-makers accountable (Buena, 2013). Buena (2013) summarizes these as policy environment factors that pre-determine the frame in which the interest community can achieve its goals. Additionally, scholars like Mahoney (2007) and Klüver (2011) maintain that the salience, the issue complexity, and the conflict potential are additional variables to lobby success and affect how policies are perceived by stakeholders. To illustrate, a highly complex issue might attract less public stakeholder engagement simply because it’s too niche. On the contrary, a highly salient debater surrounding new legislation might attract more IG feedback - simply because the public debate is more vocal on the matter at hand (Buena, 2013; Stevens & de Bruycker, 2020). In sum, the policy issue, as the topic discussed, creates a framework of manoeuvre which can be determinantal to explaining lobby success or failure.

(c) Lobby Success: IG-Specific Characteristics

Lastly, scholars investigated the players on the field to identify drivers for lobby success. The third scholarly stream focuses on the internal features of stakeholders to identify explanatory variables for their success in shaping EU policymaking. Contemporaries quickly developed the idea that a stakeholder’s capacity to influence EU decision-making is linked to its resources. For example, Eising (2007) holds that (a) the form or membership or (b) the size of an organization is crucial. Dür (2008) argues that their internal structure is equally important. Accordingly, IGs with better resourcing appear to benefit as businesses tend to be more influential (Eising, 2007; Coen, 2009). While Mahoney (2007) and Baumgartner et al. (2009) fail to detect this direct link between resources and policy influence, the assumption remains logical, as bigger IGs can more easily dedicate their budget to research and lobby efforts in specific fields (Eising, 2007). Despite these inconsistencies and lacking consensus among scholars, studying stakeholder resources continues to be an essential overarching factor and consistency for studying lobby success

Similar to the resource-dependency idea, Bouwen (2004) developed the notion of access goods as internal resources offered by stakeholders in exchange for influence at the Union level. In other words, if a stakeholder provides either expert knowledge on the specific policy issue or information on national or European-encompassing sentiment, their lobbying efforts might be more successful. Klüver (2013) advanced these ideas by arguing that citizen support attached, the information supplied, or the expertise contributed, can be a positive motivator for lobby success. Consequently, in studying IG-specific characteristics, scholars largely agree that lobby success is resource-dependent, either in (a) the form of organisation size and budget or (b) the amount of expertise and information. Despite contradicting findings, these factors remain an overarching anchor for studying lobby success.

A variety of hypotheses and explanator indicators were studied in connection to stakeholder impact. The EU's multi-level character and the pluralistic nature of competing stakeholders create a complicated field of determining the origins of lobby success. As the current academic debate focuses on all kinds of policy sectors (van Malmborg, 2022; De Bruycker & Colli, 2023), the lobby influence of relevant stakeholders on the new AIA creates a research gap that needs to be filled.

2.2. Conceptual Framework: Lobby Success and Collective Action Theory

From the reviewed literature, IG dynamics are intrinsically complex. To capture the behaviour of civil society at the Union level, scholars often study these phenomena from the perspective of collective action, one of the predominant frameworks in this research field. Given the ongoing concerns about democratic legitimacy, the conceptual framework introduces collective action assumptions. Before delving into these academic hypotheses, the notion of lobbying is presented. To examine the private-public dynamics in line with the overarching research question, collective action theory provides an explanatory research angle and offers the leading theoretical hypotheses.

(a) Lobby Success

At the core of this research is lobbying. While the term as such is familiar to the common ear, it is necessary to size down what is truly captured. The most convincing notion defines lobbying as an act aimed at public policies or as “any communication conducted on behalf or by an IG that is made with the specific intent to influence public decisions” (Transparency International EU, 2024, p. 4). Either through formal or informal participation channels, certain actors attempt to affect the decision-making process in their favour. At the Union level, these players are interest groups (IG), “organizations that try to influence the law-making and policy implementation process of the EU institutions” with registration in the EU’s transparency register (Transparency Register, n.d.). Through conferences, public campaigns, or one-on-one meetings with politicians from the regional to supranational level - the channels used to

access the relevant decision-makers vary extensively (Transparency International EU, 2024). Lobbying, therefore, summarizes all the attempts to influence public policy.

Nevertheless, this hypothetical notion behind influence overlooks the 'direction' of this sway. While influence as such captures control over political outcomes, it doesn't attribute success or failure to policy shaping (Dür & De Bièver, 2007; Stevens & De Bruycker, 2020; Buena, 2013). Being able to successfully lobby policies, therefore, connects to the idea of moving policy outcomes towards the IG's initial prerogative. Consequently, lobby success is the ability to attain preferences (Klüver, 2012; Stevens & De Bruycker, 2020). Producing final winners and losers between competing actors and decision-makers, the primary aim is to push a decision towards the preferred outcome and away from the least desirable policy alternative (Stevens & De Bruycker, 2020).

Analysing lobby influence or success, however, comes with some repercussions. As IG's have an ideal standpoint on a public issue, they hope to move the decision-makers closer towards their preferences (Dür & De Bièver, 2007; Klüver, 2011, 2012). Accordingly, if policy matters lack conflict among stakeholders and policymakers, any influence might remain undetected if all the positions are closely aligned. While the initial position will remain crucial in measuring influence on initial policy output, stakeholders' pursuits might change, either over time or through interactions with the other players in the legislative field (Dür & De Bièver, 2007). The difference between the final policy output and the IG preference does not necessarily signify their lack of impact, as the unexpected policy outcome might still resonate with the stakeholders throughout the legislative process. These potential pitfalls and the established conception behind lobby success must be considered when interpreting the subsequent analysis.

(b) Collective Action Theory

Theorizing lobby success, "the idea that organizations or associations exist to further the interests of their members is hardly novel" (Olson, 1971, p. 6). Scholars borrowed from studies on organized interest representation in democratic systems to explain lobby success, also at the Union level (Hix & Høyland, 2022; Dür, 2008; Dür & De Bièver, 2007). In his collective action theory, Olson (1971) created a widely used framework for understanding how individuals or groups coordinate their efforts to achieve a common goal under the consideration of different interests.

According to his logic, the type of good an IG is advocating for – either public or private - is determinantal to their capacity to mobilize. In economic theory, private goods are both excludable and rivalrous, which is counterbalanced by public goods. To illustrate, fresh air or national defence are universally available, and it is difficult to prevent anyone from consuming them (Olson, 1971). Thereafter, these public goods, accessible to all and for the population's benefit, should be more

successfully advocated for by policymakers. Olson (1971) argues to the contrary. Accordingly, IG's lobbying for public goods often faces more significant collective action challenges compared to those lobbying for private goods due to the greater chance for free riding. Hence, individuals have less incentive to contribute to collective action as they can benefit from the efforts of others without participating themselves (Olson, 1971). In other words, as a group is working towards a collective good, creating collective benefits, members are encouraged to free ride.

In EU policymaking, public and private IGs face different collective action dynamics. Public interest representatives, such as NGOs or academia advocate for broad societal benefits, a diffuse form of interest. Relying on ideological commitment, moral incentives, and member solidarity, they need to overcome these free-rider issues to influence policy effectively (Hix & Høyland, 2022; Nugent, 2017; Olson, 1971). Contrarily, private interests, such as business associations and companies, can gather resources since their members have direct benefits at stake, e.g. raising profit or regulatory advantages - a manifestation of concentrated interests (Eising, 2008; Coean, 2009). In other words, diffuse or public interest present in civil society organizations is less likely to influence EU decision-makers. Concentrated or private interests are assumed to be more influential in legislation-making (Hix & Høyland, 2022; Olson, 1971). Contrary to these considerations, Klüver (2012) found that NGOs can impact EU legislation despite their advocacy of public goods. Therefore, under the considerations of collective action theory and the potential drivers for lobby success established by other scholars, the following hypothesis tests the effect of interest nature.

> **H1:** Representing private interests, Business Associations and Companies were more influential on the proposed AIA.

To overcome collective action problems, Olson (1971) focuses on resource availability. For instance, public groups might depend more on grassroots mobilization or media campaigns to amplify their voice. Private IGs might have better financial or personnel resources, allowing them to fund extensive research and provide in-depth knowledge to policymakers (Hix & Høyland, 2022; Olson, 1971). Thus, the organisation's size affects lobby success. Smaller groups have fewer collective action problems as interests remain aligned (Olson, 1971). Under contradicting assumptions among resource-dependency scholars such as Eising (2007, 2008), arguing that larger groups are naturally more influential, the following hypothesis will test the effect of IG size on the influence on the new AIA.

> **H2**: Smaller IGs were more influential than larger groups in translating their interests into policy propositions, as they can more easily overcome collective action problems.

Within resource mobilization, the academic debate adds an explanatory layer to the ability to provide technical information and expert knowledge (Klüver, 2013; Bouwen, 2004). As the Commission

lacks expertise, as a small bureaucratic institution in specific policy areas, they need expertise from stakeholders, which in turn can favour their lobby success (Klüver, 2013; Bouwen, 2004). Therefore, the following hypothesis will produce insights into the connection between information contributed to the AIA and lobby success.

> **H3:** The amount of information provided on the policy issues of the AIA leads to more success in attaining IG preferences.

Based on these theoretical principles, the following research design ensures the replicability and reliability of the produced findings. Designed as desk research, measuring lobby success will be reflected upon, introducing preference attainment as a methodological approach. Thereafter, the data collection process and the necessary steps within the data analysis are presented.

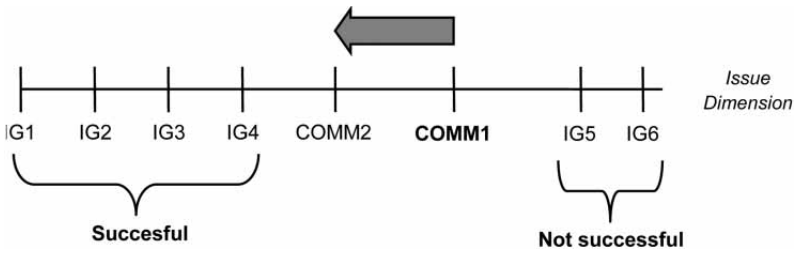
3.1. Preference Attainment

The methodological diversity behind lobby success creates further complexity. Scholars traditionally rely on (1) process tracing, (a) attributed influence, or (3) preference attainment. Process tracing offers a detailed analysis of the legislation-making stages and the connected lobby activities, and attributed influence focuses on the perceived power of individual stakeholders during the process (Dür, 2008; Woll, 2006). While they offer valid tools to investigate EU lobby dynamics, both are less suitable to study stakeholder influence at the policy formulation stage, as this research demands an empirical way to measure the degree of successful translation of preferences in the AIA.

The most suitable is preference attainment, offering a way to compare stakeholder preferences and the final policy output (Dür, 2008; Woll, 2006). On the spatial model, each actor within the legislative system has an ideal position, their preference marked on the issue dimension line (Figure 1). The Commission starts with an initial position (COMM1) and ends up, after receiving the stakeholder input at a different point (COMM2). Through lobbying, the players aim to push the policy output towards their ideal solution (Dür, 2008). If successful, the stakeholder demonstrates lobby success. The distance between the final position and the stakeholder's ideal can give insights into the IGs' ability to influence the legislative process (Dür, 2008; Klüver, 2012, 2013).

Figure 1:

Lobby Success - Policy Formulation Stage



Note. From Klüver (2012, p. 64)

Predominantly used by Baumgartner et al. (2009), or Klüver (2012), the method is flexible in its design and application. Some internal mechanisms must be considered (Dür, 2008). While giving insights into the distance between the ideal position and the output, preference attainment fails to account for other variables of influence (Klüver, 2013). For example, one must remain sensitive to overemphasizing the causal link between the submitted feedback and the policy output. Just because the position of stakeholder A is closest to the final proposal, it doesn't necessarily exclude a portion of luck (Dür, 2008; Woll, 2006). Additionally, the IG positions submitted through publicly accessible platforms, such as *Have-your-say*, might introduce some bias. There can be a difference between the voiced opinions and the IG's true positions (Dür & De Bièver, 2007). Public documents, press releases, and statements are challenging to estimate - e.g. due to image considerations, social desirability considerations or strategic bias. It is difficult to assess their degree of truth (Dür & De Bièver, 2007). Still, public consultations identify (a) the types of IGs lobbying in a particular policy field and (b) the IG's positions (Woll, 2006). With a lower entry barrier for stakeholders to submit their positions, the policy formulation stage is the most fruitful point for policy shaping (Woll, 2006; Fraussen et al., 2022). Hence, stakeholder submissions are considered truthful and demonstrate the organization's preferences in the legislative process.

3.2. Case Selection

The case was selected based on two factors. First, within modern democratic legitimacy concerns connected to supranational policymakers such as the Commission, it was important to pick a case at the policy formulation stage. Through the public consultation platform, *Have-your-say*, the Commission aimed to establish a lower threshold for societal actors to participate in legislation-making (Fraussen et al., 2020). Thus, the case presents a uniquely and freshly developing policy field while considering the Commission's (2021a) Better Regulation attempts. Additionally, the Commission remains one of the most popular lobbying venues, as IG's have higher chances of influencing policy outcomes before the proposal enters the traditional policy cycle (Bunea, 2013; Hix, 2009).

Secondly, the case was selected due to its societal relevance and the prospect of a new policy field emerging. Studying the AIA offers a chance to produce insights into governing digital markets. As the first-ever regulative framework introduced to govern AI on a global level, the AIA sets out a potential benchmark for other future legislative constructs (European Commission, 2020). Studying the Commission's behaviour and the stakeholder impact in a policy field that no one has ever attempted to regulate, creates a foundation for further studies to close a gap in the existing literature on democratic accountability and modern governance challenges on an international level.

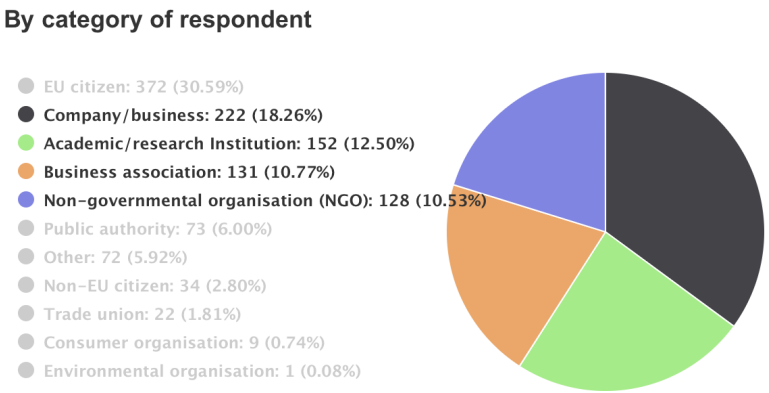
3.3. Data Collection

The data was collected at the policy formulation stage. Through *Have-your-say*, the online consultation initiated by the Commission from 20 February 2020 to 14 June 2020 was used to develop the research sample. The Commission offers access to the complete dataset to counteract accountability and transparency critics (European Commission, n.d.). Under the digital economy and society scope, the Commission addressed all AI stakeholders - from developers and deployers to academics and EU citizens. The Commission shared a White Paper with policy options to draft the later proposed AIA (European Commission, n.d.). Allowing stakeholders to express their opinions in a questionnaire published by the Commission to foster structured dialogue and the opportunity to submit policy positions, a total of 1216 valid responses have been generated over the time frame of 5 months. The survey as such included several structured and open questions leaving space for individual stakeholder input, recommendations and opinion weighing (European Commission, n.d). Over 400 additional policy documents were uploaded to the portal.

In line with the overarching hypothesis developed and to ensure the reliability and validity of the research, the population was sized down according to these categories: (a) user type and transparency registry, (b) submission and language. In line with the overarching research goal to distinguish between the success of either private or public interest in this case under collective action theory, the submissions by four user types were selected: Academic/Research Institutions and NGOs as representatives for public interests; and companies/ business organizations and Business associations as advocates of private interests. This leads to the following intermediate sample, representing a relative balance of both public and private interest to reduce potential bias in the analysis (Figure 2).

Figure 2:

Total Overview of all Submissions



Note. From European Commission (n.d.)

To ensure maximum data availability, only stakeholder responses to the questionnaire that additionally submitted English policy feedback in the form of a policy paper were considered. This strategic step allows for a deeper dive into the information provided combining a survey and qualitative policy document analysis. Here, as per the definition, only IGs with an official registration in the transparency registry were considered. The final dataset contains a total of 123 policy positions submitted by 117 stakeholders (Annex I). The data was used to analyse how much influence the parties had on the AIA issued by the Commission (2021b) via preference attainment. The sample selected is relatively weighted reducing the bias introduced through different sample sizes (Table 1).

Table 1:

Overview of IGs and Number of Policy Papers

Nature of Interest	User Type	Total	Number of Submission
Public Interest	Academia / Research Institution	11	12
	NGO	32	35
Private Interest	Company/ Business Organization	48	51
	Business Association	26	25

3.4. Data Analysis: Preference Attainment

To situate this research within the overarching academic debate, the examination follows Klüver's (2013) preference attainment, consisting of multiple steps. Firstly, three dominant policy issues were extracted from the public debate surrounding AI and the Commission's questionnaire. Thereafter, I established the Commission's position from the White Paper and identified its final position in the AIA proposal. This step will function as a foundation to analyse the submitted stakeholder's feedback. As not every policy issue was covered in the questionnaire or in every policy document, a combination of analysing the answers submitted to the questionnaire and the preference uttered in policy documents uploaded was chosen (Table 2). This ensures maximum data availability and further precision in the stakeholder's position. To this end, the policy documents, ranging in length from five to forty pages, were analysed in Atlas.ia. This approach allowed for differentiated scaling of policy positions to establish the degree of influence between their input and the Commission's (2021b) AIA proposal.

Table 2:

Overview of Approach per Policy Issue

Policy Issue	Policy Position
Policy Issue I	Preferences from Policy Documents, Answers in Questionnaire (Q26)
Policy Issue II	Preferences from Policy Documents
Policy Issue III	Preferences from Policy Documents

Finally, to dive into the explanatory part of the research scope, the organization size of IG's will be analysed in connection to their lobby success. Hence, answers and policy submissions by small (< 50 employees), medium (< 250 employees) or large (more than 250 employees) IG's to differentiate between the resource-dependability of lobby success. Moreover, as a second variable, the answers submitted to each policy issue will be investigated to determine the level of expertise or information supplied as a potential driver for lobby success. Thus, the words used to determine the policy position in Atlas.ai on each policy issue will be counted. Finally, this established design will answer the overarching research question: "To what extent did public and private interest groups influence the European Commission's proposal for the Artificial Intelligence Act (AIA), considering the nature of their interests, the IG's size and the information they provided?" to identify the most influential IG's on the newly established AIA through the input offered by stakeholders through public consultation. The following operationalization will summarize these steps to allow a coherent overview and ensure the replicability of the research at hand.

3.5. Operationalization

Building on the existing literature and the established theoretical framework above, this research will therefore work with the following limitations (Table 3).

Table 3:

Definitions

Terms	Definition
Lobbying	as any communication conducted on behalf or by an interest group that is made with the specific intent to influence public decisions." (Transparency International EU, 2024, p. 4)
Interest Groups	organizations that try to influence the law-making and policy implementation process of the EU institutions" with a registration in the EU's transparency register
Lobby success	the ability to attain preferences

To measure lobby success, preference attainment will be achieved through the score applied in previous research (Table 4). Mahoney (2007) measures preferences and the extent of their attainment on a predefined ordinal scale. Thus, as influence is not black and white on some policy issues, IG's can either fully, partially or not at all attain their preferences.

Table 4:

Preference Attainment Scale

IG did not attain its preferences	0
IG did partially attain its preferences	1
IG did fully attain its preferences	2

Note. Adapted from Mahoney (2007)

Moreover, to answer the overarching research puzzle on interest representation in the policy formulation stage in AI matters, the variables of lobby success and its potential explanatory indicators have been defined and operationalized as demonstrated in the following (Table 5).

Table 5:

Operationalization

Variable	Hypothesis	Indicator	Data
Lobby success	RQ: Ability to attain preferences	Preference Attainment	Questionnaire & Policy Papers by IG's
Nature of interest	H1: Success of public interests	Preference Attainment: NGO's and Academia	Questionnaire & Policy Papers by IG's
	H1: Success of private interest	Preference Attainment: Business Associations and Companies	Questionnaire & Policy Papers by IG's
IG's Resource	H2: Organization size	Categorization of Commission: large, medium, small	Information from Questionnaire: Large, Medium, Small
	H3: Information supplied	Number of words in policy documents	Policy Papers

3.6. Reliability and Validity Considerations

Before diving into the analysis, some reflections concerning the reliability and validity of the research project must be elaborated on to evaluate the lobbying success of different stakeholders on the AIA. Firstly, preference attainment is an appropriate method to establish lobby success, as the ability of IG's to achieve their preferences. Therefore, a certain degree of internal validity is given. This could, however, be further enhanced by repeating the study on additional policy issues which are at this stage beyond this research scope. Consequently, when interpreting the results, it must be considered, that the findings could differ on other policy matters. Still, as the most dominant issues were chosen, private-public interest dynamics can be observed to produce worthwhile insights into lobbying on the AIA. Moreover, the chosen conceptual framework has been proven in other studies, e.g. Klüver (2012, 2013), to effectively capture lobby success, producing its constructive validity.

Regarding generalizability, the specificity of this case creates certain constraints. Since the new AIA is a pilot project by the Commission, the findings might spill over into other policymaking areas. Nevertheless, the insights generated are valuable for future AI-related proposals within digital

innovation legislation. While external validity may be limited due to the case's uniqueness, this study, still, provides significant insights into the capacities of IGs within the emerging field of digital policy regulation. In terms of reliability, this research is considered robust. The publicly available documents and the established research logic allow for the analysis to be repeated under the same conditions. Following the outlined research steps within the theoretical boundaries of lobby success analysis, other researchers should be able to replicate the findings and draw similar conclusions. Thus, apart from the interpretative discretion of the researcher, the study is considered reliable.

Chapter 4 | Analysis and Discussion

4.1. The Policy Issues and the Commission's Position

The Commission invited all relevant stakeholders to contribute to a future AI strategy. The accompanying White Paper included relevant challenges and opportunities in connection to AI. Under the human-centric *ecosystem of trust,* the Commission designed a potential legislative framework, relevant to this analysis "based on European values, to promote the development and deployment of AI" (European Commission, 2020, p. 1). The approach was developed following von der Leyen's political guidelines emphasizing the social and ethical implications of AI, under the central concept of trustworthiness to ensure safe and consumer-directed services (European Commission, 2020). Accordingly, the core purpose of the White Paper is connected to Europe's global future as a more attractive AI partner.

Generally, the White Paper presents various policy issues. For instance, the Commission raised questions on voluntary labelling systems for non-risk AI applications or continent-wide Digital Hubs to foster innovation (European Commission, 2020). As these ideas fall outside the scope of the AIA and entail different legislative instruments, they are beyond this research scope. This analysis focuses, therefore, on three policy issues prominent in the contemporary academic debate combined with the Commission's questionnaire guiding the consultation. The policy issues - (i) the establishment of an AI-specific framework, (ii) defining AI and (iii) a risk-based approach - will be introduced before analysing stakeholder lobby success on the AIA.

Policy Issue I: Establishing a Legislative Framework

Under the *ecosystem of trust*, the Commission (2020) brings forward the necessity to establish a new AI regulatory framework. Already the already existing General Data Protection Regulation (GDPR) and Digital Market Act (DMA) are not sufficiently designed to deal with new emerging risks and potential opportunities in the dynamic field of innovation (Neuwirth, 2023; Edwards, 2022; Helberger & Diakopoulos, 2023). The Commission, therefore, delivers its first ideas on an AI initiative to prevent market fragmentation. Due to the complexity of existing Union law, however, some IGs might see this as an unnecessary burden. As many other packages already deal with sector-specific concerns such as data protection and liability thresholds, IG's might disagree with the establishment of an AI framework or prefer the modification of existing regulations. Finally, the Commission's position didn't change, as the AIA was initiated.

Policy Issue II: Defining AI

The second policy issue concerns AI terminology. Any definition in legislative frameworks is essential to policy action, as the literal words chosen can strengthen or weaken practical authorities to monitor future AI (Neuwirth, 2023; Helberger & Diakopoulos, 2023). Consequently, the AI definition determines the EU's entire legislative capacity. As a certain inclusiveness of the term is crucial to ensure trust and transparency among citizens and safeguard future innovation, the High-Level Expert Group (HLEG) broadly defines AI:

> "Artificial intelligence (AI) systems are software (and possibly also hardware) systems designed by humans that, given a complex goal, act in the physical or digital dimension by perceiving their environment through data acquisition, interpreting the collected structured or unstructured data, reasoning on the knowledge, or processing the information, derived from this data and deciding the best action(s) to take to achieve the given goal. AI systems can either use symbolic rules or learn a numeric model, and they can also adapt their behaviour by analysing how the environment is affected by their previous actions." (European Commission, 2020, p. 8)

As the definition will immediately create boundaries to services and technologies falling under the legislation, stakeholders' preferences might differ here. A too-broad definition might lead to disproportionality, while a narrow definition risks leaving loopholes in the future. The Commission (2021b) continues its broad approach to an AI definition in alignment with international standards developed by the OECD (Stibbe, 2024), as Article 3(1) defines AI as "software that is developed with one or more of the techniques and approaches […], for a given set of human-defined objectives, generate outputs such as content, predictions, recommendations, or decisions influencing the environments they interact with" (European Commission, 2021b). Further clarifications on two different types of machine learning approaches are specified (European Commission, 2021c).

Policy Issue III: Risk-Based Approach

The White Paper introduces a risk-based approach differentiating between high-risk and non-high-risk AI applications. The Commission (2020) suggests that the sector and intended use of AI applications should be used as cumulative criteria to determine their risk category. To illustrate, sector-specific AI applications in healthcare, transport, energy, or parts of the public sector would be considered high risk - combined with the AIs' intended use (European Commission, 2020). This system would ensure that not all AI applications are classified as high-risk creating a targeted regulation. Non-high-risk AI applications would, therefore, remain subject to existing EU rules excluded from the specific mandatory requirements for high-risk applications. Additionally, the proposal may appear too static. The potential restriction on global competitiveness in the digital area might create concerns among stakeholders (Novelli et al., 2023; Townsend, 2021). The compromise-driven approach and the binary distinction

between high-risk and no-risk applications may attract stakeholder criticism or support for policy alternatives.

The Commission's (2021b) essential stance on a risk-based approach remained, but the other features changed. Firstly, the proposed binary distinction was replaced by four risk categories-unacceptable risk, high-risk, limited risk and minimal risk systems (European Parliament, 2023; European Commission, 2021b; Stibbe, 2024). Secondly, the sector criteria are no longer a primary driver for determining whether an AI system is considered high-risk (Stibbe, 2024; Future of Life Institute, 2024). The sectoral aspect still plays a role but is less visible in the overall framework. Hence, the Commission's position on risk-based AI applications changed considerably. The chosen policy issues and the Commission's position are displayed here (Table 6).

Table 6:

Overview – Commission Position in White Paper and AIA

	Policy Issue	**Commission's Initial Position: Propositions**	**Final Position: Proposal of the AI Act**
I	Establishing a new framework for AI	The Commission proposes a new regulatory framework for AI, as the existing frameworks do not sufficiently govern the problem	There is new legislation
II	Defining of AI	The Commission proposes to include a broad definition of AI into the legislation with enough flexibility to account for future innovations and developments in the field	There is a broad definition of AI included in the proposal under Art. 3 (1) is connected to international guidelines
III	Risk-Based Approach	The Commission proposes a risk-based approach. Thus, only high-risk applications would be governed, established under two cumulative criteria (a) sector related and (b) intended use related	The risk-based approach is introduced, differentiating between several risk categories: (a) unacceptable risk, (b) high risk, (c) limited risk and (d) minimal risk applications with less emphasis on the sector criteria

4.2. The Stakeholders

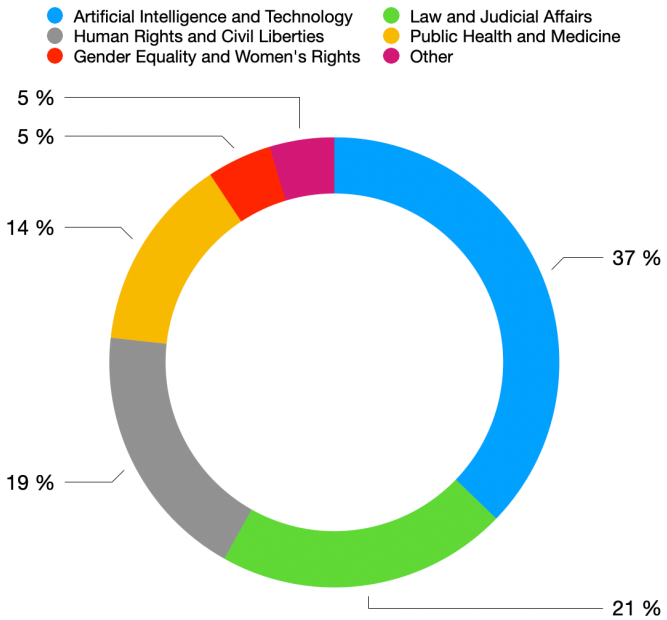
Before diving into the analysis, the active stakeholders are introduced (Annex I). **Within the public interest representation**, a total of 33 NGOs and 12 research institutions were examined from a wide range of interest fields (Figure 3). Among NGOs, a variety of policy fields are covered. Most respondents came from Human rights and Global Governance fields, e.g. Amnesty International or Open

Society European Policy Institute. Unsurprisingly, given the policy area of data and AI, stakeholders such as the Centre for Democracy and Technology (CDT), Algorithm Watch or European Digital Rights (EDRi) submitted their opinions on the AIA. Moreover, groups advocating for public health, e.g. Standing Committee of European Doctors (CPME), or law and governance issues, e.g. Council of Bars and Law Societies of Europe (CCBE), contributed significantly to the consultation.

Among research institutions a similar diversity is observable. From legal or religious research, stakeholders such as the Erasmus School of Law or the Centre for Religious Studies of Fondazione Bruno Kessler (FBK-ISR) reacted. Most respondents specialized in technology or AI. To name a few, the Finnish Centre for Artificial Intelligence (FCAI) and the Information Technology and Innovation Foundation (ITIF) contributed to the questionnaire. The variety of policy fields and perspectives covered in the public consultation among public interest hints at the fundamentality of the AIA for European civil society.

Figure 3:

Policy Domains – Public Interests

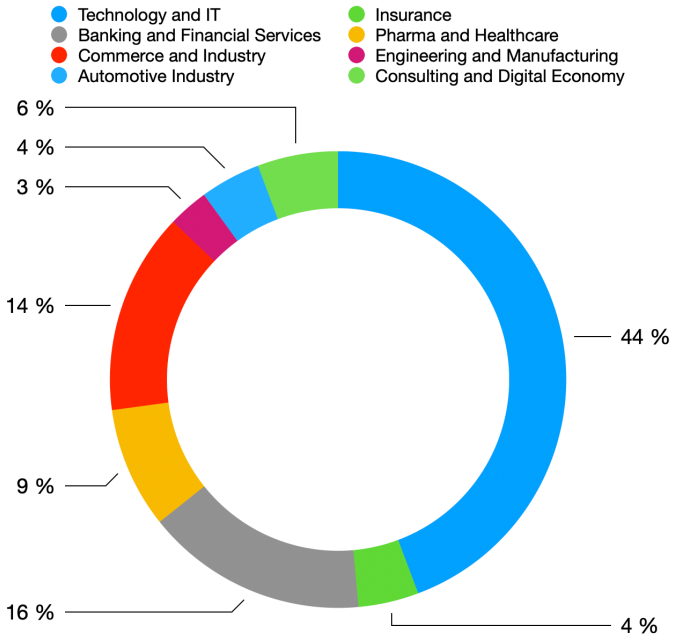


The variety of actors involved in the public sphere is mirrored, if not excelled **in the private sector** (Figure 4). Among 48 companies and 26 business associations analysed, most contributions came from technology. Among companies, a lot of responses stem from banking and financial services, e.g. Mastercard or the European Payment Institutions Federation (EPIF). Similarly to the public sector, the health and medical sectors were represented. To name a few, Siemens Healthineers AG. or the European Federation of Pharmaceutical Industries and Associations (EFPIA) provided feedback, among those

advocating for bigger industry-related interests, such as the Federation of German Industries (BDI) or the Confederation of Finnish Industries (EK).

Figure 4:

Policy Domains – Private Interests



In summary, the spectrum of public and private stakeholders highlights the significance of the AIA. NGOs and research institutions across law, health, technology, and AI have actively responded to the Commission's call for feedback. This broad variety of stakeholders is surpassed by the different IGs on the private side, generating diverse input into the AIA. The following section will analyse the capacity of 123 IGs to influence the chosen policy issues.

4.3. Analysing Lobby Success on the AIA

To answer the overarching research question to which extent public and private stakeholders were able to influence the AIA, the preferences submitted were analysed concerning the Commission's (2012b) proposal (Annex II). Subsequently to this descriptive analysis, the explanatory potential of the nature of interest, group size and information supplied, will be addressed.

Policy Issue I: Establishing a New Framework

On the first policy issue, the Commission's position remained, as the AIA was initiated. To evaluate lobby success, the preference attainment score was matched to the stakeholder preferences: If their policy position indicated their support for an AI-related legislative package, they scored two. If IGs

suggested alternative ideas or felt that the existing laws properly govern AI, the attached score is zero. Some actors, however, acknowledged the need for action but felt that revising existing policy frameworks would be the most appropriate way forward. This policy preference is attributed to a score of one, as the Commission (2021a) intends to revisit some existing policy instruments. The lobbying success of public and private interests for or against the new legislative initiative by the Commission will be reflected in the following.

(a) Public Interest Representation

Among academics, the debate focused on the globality of the proposal and the goal to create an AI 'flagship' regulation. Accordingly, Inria (2020) argued for a global approach led by a European initiative, while allowing room for future policy research. Similarly, the Universidad Politécnica de Madrid called for a path "in which AI is empowering and makes a decisive contribution to bringing peace, prosperity, and justice, and to enhancing social, material and spiritual well-being" (2020, p.2). Despite these voices of support, most research institutions were hoping for a revision of the existing legal framework, e.g. Radboudg University (2020) and FCAI (2020). Hence, "an entirely new legislation would not be more protective" (CEA, 2020, p. 2) Thus, a fast policy creation could hinder innovation and create future regulative obstacles (ITIF, 2020).

It is striking that none of the NGOs felt that the existing policy frameworks in the EU are sufficient to deal with AI. All stakeholders pointed out the gaps in the current legislation. For example, the European Women's Lawyers Association (EWLA) "welcomes the European Commission's proactive approach to creating an *ecosystem of trust* that is based on a human-centric AI which could serve as a model for other jurisdictions" (2020, p. 1) in support of the extraterritorial application of EU law. Still, some concerns regarding the proposal's proportionality were raised. For instance, CTD "believes that a new AI regulatory framework should integrate the current European legislative framework and, in particular, the General Data Protection Regulation" (2020, p. 2). Arguing to take an entirely different approach, the ECNL urged the Commission "to prioritise the public interest, the protection of individual rights, non-discrimination, and equal access to resources and participation" (2020, p. 1) in the new AIA. The pursuit of global leadership should not outweigh the protection of citizens' rights. Along with others such as ERDi (2020) or EDF (2020), ECNL was not able to attain their preference as the Commission decided to launch the AIA.

There is a clear preference towards regulating AI through a European approach among public interest representatives, especially among academia, however, under the continuous call to leave legislative space for future research (Eurocities, 2020; Irnia, 2020). With a small lenience towards the AIA creation, NGOs were concerned about the protection of citizen rights (European Women's Lobby, 2020; Open Knowledge Foundation, 2020; AGE Platform Europe, 2020). Overall, the selected

academic institutions managed to attain 85% of their preference, while NGOs scored considerably less with 54,6%.

(b) Private Interest Representation

In the private sector, companies were highly critical towards the proposed AIA framework, despite initial support for a "technology-neutral and activity-based approach to regulation" (Intesa Sanpaolo, p. 2). The legislative debate, thereafter, "is blocking a lot of business discussions with both public and private customers that appreciate the benefit of AI solutions to solve their problems but prefer not to take risks related to regulation compliance" (Fujitsu, 2020, p. 2). Hence, a considerable number of companies advocated either for a revision of existing frameworks or alternative approaches, e.g. MasterCard (2020), Visa Europe (2020) and Amazon Europe (2020). Moreover, some companies advocated for alternative policy approaches, such as an "AI legislative comfort zone" (Fujitsu, 2020, p. 2) or an "AI rulebook" (Salesforce, 2020, p. 4) to offer stakeholders necessary guidance on AI regulation. The potential market fragmentation creates more concern. Hence, firms feared a patchwork with other EU legislation, such as the GDPR or the DMA (Microsoft, 2020). Stakeholders even indicated that the current legislation is fully efficient, arguing against the creation of a new framework (Autodesk INC, 2020; Tilio Inc, 2020; XPERI, 2020). It is noteworthy that Deloitte (2020) and DNV GL (2020) were the only ones supporting the *ecosystem of trust* and therefore able to attain their preferences fully.

Similarly, for most business associations, the Commission failed to present its assessment of the existing regulative framework convincingly. The majority felt that EU law already covers a lot of the planned actions (Swedish Bankers Association, 2020; BDI, 2020). AmCham EU, for example, calls upon "the Commission to undertake a thorough analysis of existing legislation (including sectoral legislation) that applies to AI, before introducing new legislation" (2020, p.3). Hence, if "European legislation and guidelines are too prescriptive or overly rigid, AI will be developed elsewhere" (BSA, 2020, p. 2) stripping the European private sector of potential benefits. Additionally, EDF argues against a new framework as "that new, AI-specific legislation is not required and believes it is key to take into account the consequences that any rules could have for the competitiveness of European companies." (2020, p. 2). Still, a revision of existing EU law and the introduction of AI mechanisms was welcomed by some business associations (SIIA, 2020, ACT, 2020, CLEPA, 2020). In total, fourteen business associations focused their lobbying efforts against the AIA.

In analysing the positions of private interest, it becomes clear that the proposal for a new regulation finds considerably less support than in the public interest sector. A duplication of overlapping requirements is strongly feared among the dominant voices in the business realm and deep concerns about an overburdening for the business side due to scattered regulative frameworks drive

companies away from supporting the new AIA, “not because we oppose AI regulation, but rather to aid the Commission in the difficult task of assessing where regulation might be most appropriate and how best to regulate consistent with European values” (Microsoft, 2020, p.3). Overall, among business associations, only 18,18% were able to attain their preferences, and none of them fully. Companies scored slightly higher with 22,82 %, as the Commission decided to initiate the AIA.

Policy Issue II: Defining AI

As already established, The Commission followed the OECD’s broad approach to define AI. The following logic was applied to scale lobby group preferences: If an IG voiced its preferences for a narrower or more technical definition of AI, it failed to translate its wishes into policy output, scoring zero. If an IG favoured different definitional categories, it partially attained its preferences, scoring one. Preferences were fully attained, scoring two, if the IG argued for a broad approach on internationally developed standards, or the introduction of sub-categories based on machine learning and deep learning.

(a) Public Interest Representation

Among academia, only four institutions reacted to defining AI. The most vocal about the definition was the FCAI (2020). "Creating a regulatory framework based on ANY definition of AI would be dangerous” (Finnish Centre for Artificial Intelligence, 2020, p. 2) and could establish loopholes for bypassing software. While this was the only stakeholder arguing for no definitional boundaries, other research institutions were partially successful in lobbying. For example, Radboud University (2020) stated clear concerns about the emerging stage of AI arguing for a preventative approach to defining AI. As this definition should be focused on the systems as such regarding more than just machine learning, CEA (2020) and Irnia (2020) were also able to attain their preferences partly.

Among those reacting, however, **none of the NGOs were able to fully attain their preferences**. It might have been expected that public interest would argue for an international alignment of the definition. On the contrary, most respondents wanted a narrowed definition of AI. For instance, both the Swedish AI Society (2020) and CLAIRE (2020) argue against the proposed definition. Hence, “AI is a moving target" (Swedish AI Society, 2020, p. 1). Acknowledging that no universal definition exists, a considerable number of NGOs feared that the proposed definition failed to address what AI is and how it could threaten society (CLAIRE, 2020). Able to partially attain their preferences, Eurocities (2020) and the German Bar Association (2020) voiced their concerns about a too rigid scope for AI hindering the regulative flexibility. **Overall, only 20% of NGOs were able to attain their policy preferences. Academia was slightly more successful with 37,5%.** Considerably fewer stakeholders reacted to this issue which might correlate with a lack of alternatives or the proposed AI definition by the HGLE regarded as reasonable without voicing their specific support.

(b) Private Interest Representation

On the private side, only 18 of 51 companies submitted their preferences on defining AI. For example, Facebook (2020) advocated for an alignment with international standards set out by the OECD. Digital Europe (2020), BMW (2020) and ORANGE (2020) proposed this policy alternative and, therefore, lobbied successfully. Still, not all positions were considered in the final AIA. For example, XPERI (2020) and IKEA (2020) failed to attain their preferences, arguing "very broad and vague definition of AI does not, in our view, help either" (XPERI, 2020, p. 5). Similarly, the alternatives suggested by the Deutsche Börse Gruppe (2020), of an AI open vs. closed system approach were not taken into consideration.

Business associations reacted more broadly to the issue. Accordingly, the "concept of "Artificial Intelligence" (AI) is based on terms that can sometimes seem overused, as it is used generically to cover multiple technologies." (FBF, 2020, p.1). Five stakeholders submitted their ideas on aligning the EU's definition with international standards. For example, Keidanren "hope[s] for more discussions by the OECD and other like-minded nations toward the establishment of international rules on AI development and utilization that will ensure the promotion of innovation" (2020, p. 3) while carefully defining the AI realm. This sentiment was also reiterated by EK (2020) and Bitkom (2020), asking for further clarification of the set definition when it comes to different AI categories. Regardless, some business associations opposed the Commission's proposed dimensions. For example, AmCham (2020) demanded a narrow definition to size down the future legislative scope. Along with this critical view of the proposed definition scope, the BDI (2020) proposed a distinction between the applications among consumer and business-specific AI technologies. Meanwhile, the FBF (2020) even suggested an entirely different definition with a stronger focus on big data and cognitive intelligence, opposing the HLEGs' work.

Similarly to the public side, considerably few private stakeholders reacted. Among companies and business associations, these findings could be linked to the first policy issue, however. As the majority focused their lobbying efforts on avoiding the establishment of new regulations in the first place, the definitional scope of AI was less targeted. It becomes evident that business associations were the most active on this policy issue, scoring only 50% in comparison to 55,89 % for companies, despite a declining tendency among stakeholder input for this policy issue**.**

Policy Issue III: Risk-based Approach

On the third policy issue, the Commission changed its original position fundamentally. Within the White Paper, the risk-based approach was proposed based on two cumulative criteria and a binary high-low risk distinction. In its final proposal for an AIA, the Commission (2021b) dropped the sector criteria as

a primary focus and introduced a more nuanced differentiation between levels of risk. To adapt the score for preference attainment: IG's who either favoured the sector-driven approach or suggested an entirely alternative method to regulating AI scored zero, as these groups failed to attain their preferences. Partially successful, scoring one, where those favouring the general risk approach as the fundamental logic of the Commission remained present. Scoring two and attaining their complete preferences were stakeholders suggesting a non-binary approach or voicing concerns on the sector criteria.

(a) Public Interest Representation

In public interest representation, several NGOs criticized the binary distinction of the proposal between high and low-risk applications (CCBE, 2020). Favouring the fundamental risk approach, these actors were hoping to see a gradual development of different risk categories (German Bar Association, 2020; EWLA, 2020; ENCL, 2020). Five NGOs even presented policy alternatives to the risk-based approach, such as "a rights-based approach" (ENNHRI, 2020, p. 2) as the current framework would fail to address risks of discrimination and neglect other forms of human rights. Therefore, the Commission should focus its priorities on the protection of fundamental rights and set boundaries for the deployment of AI applications instead of the risk sectors (EDF, 2020; Amnesty International, 2020; ENNHRI, 2020). Despite these alternative propositions, these NGOs failed to attain their preferences as the Commission stayed on its risk-based path and most stakeholders still approved the risk-based idea.

Similarly, research institutions supported the risk-based pathway to address AI regulation as representatives of public sentiment. Overall, nine stakeholders reacted to the policy issue, with six agreeing to the Commission's position in the White Paper. These IGs were, therefore, successful in partially attaining their preferences. Accordingly, the notion was widely shared that "the high-risk/low-risk approach of the White Paper offers a more sound basis for regulation" (FCAI, 2020, p. 3). Moreover, three academic voices were able to move the Commission's position towards their policy position calling for a more nuanced approach and a strategy "irrespective of the sector" (JODI, 2020, p. 7). **Despite the consensus for a risk-based approach, lobby efforts were focused on introducing alternatives by a minority of stakeholders, especially among some NGOs**. Generally, research institutions were able to lobby 66,6% of their policy priorities, while NGOs scored again a bit lower with 54,5%.

(b) Private Interest Representation

Among companies, alternative approaches to tackle AI were proposed. Hence, "It may be better to envisage an approach which is essentially context-based" (ARM LDT, 2020, p. 2). Accordingly, sector-specific experts should be in charge rather than the larger European legislative

level. Similarly, XPERI does "not believe that the positioning of AI in the whitepaper, with a primary focus on risk, dangers, and harmful effects, is the best way of supporting AI technologies in Europe" (2020, p. 5). In other words, for some stakeholders, the discussion neglects the focus on the benefits of AI and puts too much emphasis on the potential negative effects which might hamper innovation and usage in the future. Despite these suggested policy alternatives, most of the stakeholders support the logic presented (Blackberry, 2020; Salesforce, 2020; Mastercard, 2020). However, some companies explicitly criticized the sector criteria and acknowledged the fact it might be extremely difficult to set in place as the applications vary greatly even within one section (IBM, 2020; Huawei, 2020). Hence, "AI does not necessarily carry more risks than other types of technologies or indeed than when humans are directly carrying out the tasks. What is crucial is to look at the context and the scale of the risks involved" (Booking.com, 2020, p. 1). These stakeholders were able to attain their preferences fully, as the Commission decided to lift the focus of the high-sector criteria.

While some aligned with the Commission's original proposal, such as EDF (2020) or EFPIA (2020), **the business associations criticizing the sectoral approach managed to attain their preferences fully**. For example, ACEA "urges the Commission to refrain from the adoption of a sectoral risk-based approach" (2020, p. 2) since a universal approach should be avoided. Hence, the differentiation within sectors would be too complex to uphold and among the main concerns of the stakeholders (BID, 2020; U.S. Chamber of Commerce, 2020). **From the private interest side, the risk-based approach by the Commission was both supported and criticized.** While considerable effort was put into proposing policy alternatives, most of the feedback seems to have been considered by the Commission. Overall, companies scored 59,3%, while the preference attainment was at 60,86% for business associations.

4.4. Explaining Lobby Success on the AIA

The previous display of the submitted policy input– both from the public and private side – allows a first overview of the differing policy preferences as the IGs raised different kinds of concerns. But how can the final lobby success, as a form of preference attainment, be explained? This section will reflect on the potential explanations that drive lobby influence, by examining the effect of (a) the nature of interest, (b) organization size and (c) information/expertise provided in critical reflection with the existing scholarship in the field.

(a) The Nature of Interest

Under the first hypothesis from the collective action theory (Olson, 1971), private interests tend to be more influential, representing concentrated interest linked to direct individual profits for the ones advocating these preferences. Most scholars agree that the EU, as a single market project at heart, tends

to favour business interests - representing often concentrated economic interests (Eising, 2007, 2008; Coen, 2009). On the AIA, however, it becomes evident that this is not always the case (Table 7).

Table 7:

Preference Attainment – per Policy Issue

Policy Issue	Academia	NGOs'	Business Association	Companies
Policy Issue I	85%	54,6%	18,18%	22,82%
Policy Issue II	37,5%	20%	50%	57,89%
Policy Issue III	66,6%	54,5%	60,86%	59,3%
Total	**69,56%**	**49,2%**	**42,62%**	**43,51%**

In the total preference attainment (Annex III), academia was considerably more successful than all other IGs. While the discrepancy between NGOs and private groups is less visible, public interest representatives had in relative terms greater lobby success. Especially on the first policy issue, the difference between the private and public is crucial. While private interest focused their lobby resources against the AIA establishment, their efforts failed. Public interests prevailed and the AIA was finally established. As this issue is fundamental to the AIA initiative, risking overregulation and burdening the single market, it is striking that their input was outweighed by public interest representatives.

On the second policy issue, however, the balance swung towards the private interest. Hence, NGOs and Academia scored considerably lower and comparatively less influential. While the general response rate was lower than on the other two policy issues, private interests were particularly vocal on including international standards and a broader definition for AI, which would enhance the regulative scope. In connection to trade this is notable, in terms of the expansion of the regulative power of the EU. On the third policy issue, the ability of all groups was relatively equal in attaining their preferences, above 50% each. The effect of opinions submitted from research institutions scoring 66,6% should still be considered as this group was the smallest among the sample chosen with only 12 submissions. Consequently, the nature of interest - between private and public – seems to play out differently than expected. As public interests, especially those presented within academia were more successful, it remains questionable whether other factors can properly grasp IG influence.

(b) Organization Size

According to collective action theory (Olson, 1971), the size of groups negatively impacts lobby success, as smaller groups can overcome collective action issues more easily. Under the second

hypothesis, smaller IGs should have been more successful in attaining their preferences. Contrary to these expectations, larger IGs were considerably more successful in achieving their AI preferences (Table 8).

Table 8:

Preference Attainment – Organization Size

Organization Size	Academia	NGOs	Business Association	Company
Small (< 50 employees)	50%	41,25%	42,85%	50%
Medium (<250 employees)	-	63,33%	41,07%	50%
Large (250 or more)	66,67%	61,11%	50%	42,78%

While larger groups in academia, NGOs, and business associations were more successful than their smaller counterparts, this pattern does not hold for companies. Considering the sample, this finding should not be overestimated as 90% of the total company preferences submitted were grouped here. Influential players, such as Microsoft, Visa Europe or Mastercard, were only partially successful in translating their interests. Within companies differing preferences and diverging intentions negatively impact the relative score, as only four companies fall within the medium or small category. Interestingly, for NGOs, the medium-sized group was the most successful in attaining their preferences, contradicting theoretical expectations. To conclude, the organization seems to fall short of explaining the overall ability of stakeholders to influence the Commission under collective action considerations.

(c) Information / Expertise Supplied

The third hypothesis is related to the expert knowledge and information supplied on the issue. Overall, the Commission, being a considerably small bureaucratic institution, requires stakeholder feedback to expand on potential informational issues (Bouwen, 2004, Klüver, 2012, 2013). Hence, it was expected that the expertise provided would affect IG lobby success (Klüver, 2013; Bouwen, 2004). In the case of the AIA, however, this is not the case (Annex IX; Table 9).

Table 9:

Information Supplied – Total

Total	Academia	NGO	Business Association	Company
Words Submitted	2.391	4.661	7.713	14.208
Preference Attainment	63,04%	51,56 %	42,62 %	41,96 %

Despite the high supply of information and the comparative length of words contributed to all policy issues, business associations and companies were less successful in attaining their overall preferences. It is also noteworthy, that one might have expected public interest to contribute more information to the policy issues to argue for their preferences – but the opposite was the case. Considering the sample, one must remember that only 12 academic institutions submitted their stakeholder feedback in the form of policy papers, while a total of 51 companies did the same. Thus, considerably more information on the matter was provided by companies overall and more data was evaluated in favour of their preferences. Still, the group providing considerably less information remained the most successful in their relative ability to attain their preferences. Hence, the information supplied does not align with the preferences achieved and the success of lobby groups on the AIA and cannot be convincingly linked to the information-supplied logic. Looking at the specific policy issues, this pattern continues (Table 10).

Table 10:

Information Supplied – per Policy Issue

	Indicator	Academia	NGO	Business Association	Company
Policy Issue I	Words Submitted	805	1.875	2.587	2.443
	Preference Attainment	85%	54,6%	18,18%	22,82%
Policy Issue II	Words Submitted	357	828	1.647	3.775
	Preference Attainment	37,5%	20%	50%	57,89%
Policy Issue III	Words Submitted	1.229	1.958	3.479	7.990
	Preference Attainment	66,6%	54,5%	60,86%	59,3%

Comparatively, the private side supplied considerably more feedback and still scored less in their final preference attainment. While some of the specific criticisms uttered by the private interest representatives, such as the sector criteria for the third policy issue, were picked up by the Commission – the lobby efforts on the private side largely failed, particularly on the first issue. While public interests didn't oppose the Commission's initiative, the private side focused its efforts on creating an entirely new approach that can explain the large discrepancies in information supplied here.

Only on the second policy issue, the amount of information supplied positively influences the private stakeholder's lobby success. The public side contributed considerably less to this policy issue, while private stakeholders were more explicit in submitting concrete policy feedback. Nevertheless, the public interest representation remained more successful in moulding the proposal against the theoretical expectations, despite the thinness of their contribution (Klüver, 2013; Bouwen, 2004). Consequently, the idea of information supplied does not align with the lobbying success of the AIA.

4.5. Discussing Lobby Success on the AIA

Civil societies often feel left behind in the European system, which sparked the broader debate on legitimacy issues in the first place and raises questions about IG's capacity to influence policymaking (Mahoney, 2007; Greenwood, 2019). Accordingly, the level of democratic accountability in a political system has a significant effect on the lobby influence of civil society organizations (Mahoney, 2007). As Policymakers are less sensitive to organized interest preferences, if electoral accountability measures are not in place, the Commission has been under close observation in the Blaming-Brussels narrative of detached legislation making (Mahoney, 2007; Greenwood, 2019). In other words, the Commission policy creation is considered detached from European civil society.

The AIA analysis suggests otherwise, with considerably high preferences attained among all stakeholders. While scholars genuinely emphasize the importance of businesses and companies in influencing EU legislation (Eising, 2007; Coen 2009), this study demonstrates considerable success among public interest representatives - especially academia, despite their disadvantaged sampling size. In line with Klüver (2012), this supports the notion that public interests impact Union policies against the prominent narrative focused on business interests. The Commission, within its compromise-driven capacities, is potentially more capable of integrating different interests into the legislative process of policy formulation than expected (Mahoney, 2007) - in this case, lobby success is not biased towards private interests as previously expected.

To further explain lobby influence, scholars focus on the technical expertise and clout of stakeholders (Eising, 2007; Bouwen, 2004; Klüver, 2011, 2013). On the AIA, the organization's size seems to influence its lobby success partially, but not as developed under collective action assumptions

(Olson, 1971). Smaller groups, expected to overcome collective action issues more easily, were less successful in attaining their preferences. Given the sample chosen, drawing definitive conclusions about the relationship between group size and lobby success remains vague. Resource dependency considerations developed by Eising (2007), or Coen (2009) seem better suited to explain this case. Accordingly, larger IGs typically have more significant financial or human resources, enabling them to engage in sustained lobbying activities, conduct in-depth research, and maintain a continuous presence in policy discussions (Eising 2008; Coen, 2009). Resource advantages allow larger groups to exert more influence on policy formulation. In the AIA case, larger groups had more impact, suggesting that the capacity to mobilize resources is crucial for preference attainment. While this might be related to internal academic staff, the capacity to act quickly during the policy proposal process, and the resources to lobby effectively on the AIA, organization size and its effect seem to favour resource-dependency considerations (Eising, 2007, 2008; Coen, 2009). Consequently, the theoretical assumptions under collective action fall short in capturing lobby success on the Commission AIA.

Connected to resources, the effect of supplied information or expertise on lobby success cannot be convincingly linked. Contrary to Klüver's (2013) argumentation, the expertise provided does not automatically lead to lobby success on the Commission's proposed action. Only on the second policy issue, defining AI, a positive correlation was detected. Here, private interest, contributing considerably more expertise, lobbied successfully. Looking at the corresponding literature, Eising (2007) argues that international actors are better at translating their interests as they incorporate international standards in their policy preferences. Mazey & Richardson (2015), additionally, found that large multinational companies transport their global view to the Union level as they are more flexible without national ties to their preference formation. This tendency can be observed, here, as the Commission introduced the OECD scope for defining AI, potentially inspired by the feedback provided. Consequently, the international nature of the expertise contributed might drive lobby success on this particular issue.

To conclude, the extent to which stakeholders managed to influence the AIA, seems that the ongoing narrative about business associations and companies being the more influential actors in lobbying the European legislative arena seems outdated (Klüver, 2011). In the AIA case, academia emerged as one of the most influential parties, challenging the assumption that public interests are overlooked in Brussels. Linked to the immense societal importance of the new AIA centred around society and consumer protection, the Commission appears to respond to calls for including public interests and addressing ongoing democratic legitimacy issues.

| Conclusion & Recommendations

The democratic deficit debate in the EU continues to echo in the broader public and among contemporary scholars, particularly with the perception that the Commission engages in detached legislation-making. The political system's design impacts the fundamental capacity of lobby success (Mahoney, 2007). With the implementation of an enhanced consultation regime and the introduction of Better Regulation Guidelines SWD (2021) 305 Final, the Commission (2021a) tries to counteract this criticism and increase civil society involvement at the supranational level. Considering the proposed Artificial Intelligence Act (AIA) is the first-ever regulatory attempt at AI globally, this study investigated the extent to which stakeholders influenced the Commission at the policy formulation stage through public consultation. Under the examination of the nature of interest, the organization size and the information supplied, the study applied preference attainment to explain public-private interest dynamics in the AIA. Considering the winners and losers in lobbying the AIA case, public interests were more successful in contrast to its private counterpart. As larger groups attained more of their preferences, neither the information supply nor the organizational size explained lobby success under collective action assumptions fully. Rather, resource-dependency considerations seem better suited to explain lobby success.

This study on the AIA had some limitations. Firstly, some methodological concerns should be pointed out. This study found that the Commission's (2021b) original position changed on some policy issues. While causation, between stakeholder input and policy output, should not be taken for granted under preference attainment, the ideas raised in the consultation round might have influenced the Commission's stance. However, it remains within the reader's discretion and the task of future research to evaluate whether the Commission’s institutional interest considering ongoing democratic legitimacy concerns, might have contributed to public interest influence on the new AIA. Secondly, while this research fundamentally offers insights into public involvement in shaping the AIA, not all potential factors of lobby success could be examined within the scope of this research which should be considered in respect to the findings.

In line with these limitations, some essential recommendations for future research can be established. For future research, these findings suggest that lobby success research might have neglected one fundamental aspect. While scholars have focused on the institutional implications of venue-shopping, the IG’s resources and policy-specific features such as media salience and complexity of a topic, the ‘age’ of a policy issue could potentially enhance public interest lobby opportunities at the policy formulation stage. Thus, the findings produced can be used as a basis to investigate whether the policy-specific factors of AI can offer additional layers of explanatory weight. For policymakers, to counteract the uncertainty within the public debate, it could be useful to implement further transparent feedback mechanisms. While the Commission (2021a) already extended its consultation regime, the

establishment of a robust system to inform stakeholders on how their contributions and submissions to the public consultation were considered, could add considerable value to civil society involvement at the Union level.

To return to the beginning of this project: governance and government *for*, *by* or *with* the people? On the AIA, the overall stakeholder involvement in lobbying at the policy formulation stage was not only huge but also impactful, as AI attracts many different actors and societal implications. As citizens and society are at the core of this regulative framework, the Commission carefully balanced the prospect of future innovation and the business side. Under the presented democratic deficit debate, this research uncovered some of the shortcomings of lobby theory on the AIA and challenged the dominant narrative of prevailing private interest in EU policymaking. From voices to policies, public interest representatives influenced the AIA and made their preferences heard at the Commission's policy formulation stage, reinforcing the potential for the Unions' democratic governance.

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Appendices

ANNEX I: COMPLETE LIST OF STAKEHOLDERS

Interest	Type	List
Public	Academia / Research Institution	Finnish Center for Artificial Intelligence (FCAI) Radboud AI, Radboud University Nijmegen Inria JODI - Juridical Observatory on Digital Innovation The Information Technology and Innovation Foundation (ITIF) Erasmus School of Law, Erasmus University Rotterdam University of Cambridge The Brookings Institution Nesta Commissariat à l'énergie atomique et aux énergies alternatives (CEA) Center for Religious Studies of Fondazione Bruno Kessler (FBK-ISR) Universidad Politécnica de Madrid
	NGO	European Public Health Alliance (EPHA) European Society of Radiology EURORDIS - Rare Diseases Europe European Network of National Human Rights Institution European Women's Lobby - EWL Amnesty International Civil Liberties Union for Europe Victim Support Europe ENAR - European Network Against Racism Avaaz Foundation European Law Institute Council of Bars and Law Societies of Europe (CCBE) Deutscher Anwaltverein e.V. (German Bar Association) (DAV) European Women Lawyers Association - EWLA Fair Trials World Economic Forum's Centre for the Fourth Industrial Revolution Confederation of Laboratories for Artificial Intelligence Research in Europe (CLAIRE) Center for Democracy and Technology (CTD) AlgorithmWatch European Digital Rights (EDRi) Open Knowledge Foundation Wikimedia Free Knowledge Advocacy Group Swedish AI Society The Future Society Business & Science Poland Open Society European Policy Institute World Federalist Movement - Institute for Global Policy Transnational Working Group on the Global Governance of AI and Disruptive Technologies Platform for International Cooperation on Undocumented Migrants (PICUM) European Centre for Not-for-Profit Law Stichting (ECNL) AGE Platform Europe EUROCITIES European Disability Forum (EDF) Standing Committee of European Doctors (CPME)
Private	Business Associations	European Association of Automotive Suppliers (CLEPA) European Automobile Manufacturers Association (ACEA) Insurance Europe Fédération Française de l'Assurance (FFA - French Insurance Federation) Gesamtverband der Deutschen Versicherungswirtschaft e.V.

		Swedish Bankers' Association European Association of Co-operative Banks (EACB) European Banking Federation Fédération Bancaire Française Information Technology Industry Council (ITI) SEMI Europe Software & Information Industry Association (SIIA) ACT | The App Association BSA | The Software Alliance Bitkom Federal Association for Information Technology, Telecommunications and New Media EuroCommerce American Chamber of Commerce to the European Union (AmCham EU) FEDIL - The Voice of Luxembourg's Industry United States Chamber of Commerce Confederation of Finnish Industries EK Ibec Federation of German Industries (BDI) Technology Industries of Finland Keidanren European Federation of Pharmaceutical Industries and Associations (EFPIA) VDMA - German Engineering Association
	Company/ Business Organization	BMW AG Biogen Sanofi Arm Ltd GOOGLE Palantir Technologies Inc. CSC - IT Center for Science Ltd. Adobe Fujitsu Zalando SE Atos SE Getty Images (UK) Ltd Workday, Inc. Microsoft Cooperation Autodesk, Inc. Twilio Inc. Amazon Europe Xperi Holding Corporation BlackBerry Limited Salesforce Huawei Technologies IBM Facebook Ireland Limited Booking.com Nokia IDEMIA ARD, Co-operative of Public Service Broadcasting Organisations in Germany Telenor ORANGE Bloomberg L.P. Equifax Mastercard Intesa Sanpaolo RELX European Payment Institutions Federation (EPIF) Visa Europe

		Deutsche Börse Group Association for Financial Markets in Europe (AFME) ESBG (European Savings and Retail Banking Group) Siemens Healthineers AG Philips Health Information Management Systems Society/Personal Connected Health Alliance Ingka Group / IKEA Deloitte (on behalf of all firms in the EU) DNV GL Fortum Prosus N.V. DIGITALEUROPE AVIVA

ANNEX II: POLICY DOCUMENTS

Policy Positions - Group I: Academia / Research Institutions

F538952 - Commissariat à l'énergie atomique et aux énergies alternatives (CEA)

Policy Issue I: Establishing a new AI framework	
Preference:	Building an AI ecosystem of trust is without any doubt a policy objective in itself. 113:1 p 2 in F528952-CEA_text_uploaded_on_EUSurvey_-_AI_white_paper.pdf EU legislation is necessary to address such concerns related to AI use. Current legislation may have some gaps to be filled. Protecting people and assets needs to be the main priority while filling these gaps. An entirely new legislation would not be more protective 113:2 p 2 in F528952-CEA_text_uploaded_on_EUSurvey_-_AI_white_paper.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	The white paper does not mention at all the “System” vision and the need/obligation to define system engineering processes for AI-based systems (and not only for machine learning). 113:5 p 2 in F528952-CEA_text_uploaded_on_EUSurvey_-_AI_white_paper.pdf
Final:	Broad definition in line with international approaches
Score:	2
Policy Issue III: Risk-based approach	
	Regarding the safety of AI systems, “high-risk” AI applications should not be binary; there must be a gradation of risks as in all sectors with a safety or security aspect. Different rules adapted to the application risk levels (like those in the IEC 61508 standard) are needed. The applications and the systems that are highly concerned with safety and security are those like cyber physical systems with real-time applications, autonomous systems, decision systems (with and without human verification) because human beings tend to over-trust the machine suggestions. Safety and accuracy are also very important in sectors like health or justice sectors. 113:3 p 2 in F528952-CEA_text_uploaded_on_EUSurvey_-_AI_white_paper.pdf

Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F529948 - Erasmus University Rotterdam: Digital Governance

Policy Issue I: Establishing a new AI framework	
Preference:	-
Questionnaire:	There is a need for a new legislation
Final:	There is new legislation
Score:	2
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
	The risk-based approach leads the Commission to propose a sectoral governance, with priority for high-risk sectors. We raise the question whether the presupposed risk assessments properly identify the high-risk sectors. It is not sufficiently clear what the concept of risk comprises and what not. Risk is a multifaceted concept in which chances for failure, chances for damage, nature/seriousness of damage and chances for loss of trust can all be components. Furthermore, even when the concept is clear, the appreciation of the chances is highly influenced by political views and economic interests. So, we have doubts whether the risk variation is a widely acceptable guidance to lead us to the high-risk sectors. Moreover, inside a sector a so-called innocent AI application may maintain or exacerbate social inequalities. At least the Commission should come forward with additional evidence regarding the risk assessment that will guide the prioritizing process. Given the yet not clear meaning of risk (and its different perceptions) regarding AI it is recommended to employ risk categories that allow for future adaptation. This does not prevent us from endorsing a sectoral approach to governance of AI. In our view, the commonality of the used technology is insufficient to support a generic approach 118:1 p 2 in F529948-1106_Reply_to_Consultation_White_Paper.pdf This does not prevent us from endorsing a sectoral approach to governance of AI. In our view, the commonality of the used technology is insufficient to support a generic approach. In no way does the AI-governance topic resemble the issues that the EU has generically dealt with, such as data-protection. 118:4 p 2 in F529948-1106_Reply_to_Consultation_White_Paper.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530005 - The Brookings Institution

Policy Issue I: Establishing a new AI framework	
Preference:	Some regulations and standards will be needed to ensure that AI is developed consistent with underlying values, is functional, interoperable, avoids unnecessary barriers and supports innovation. Divergent approaches to AI regulation and standards can raise

	barriers to AI cooperation, crimping the full potential of the transatlantic market and potentially splintering AI technologies. 119:1 p 5 in F530005-AI_White_Paper_Submission_Final.pdf
Questionnaire:	There is need for a new legislation
Final:	There is new legislation
Score:	2
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
	The White Paper identifies "high risk" AI as being in need of regulation. Successful transatlantic cooperation on identifying what constitutes high risk AI could form a key first step in reducing unnecessary divergences in transatlantic AI regulation. 119:2 p 5 in F530005-AI_White_Paper_Submission_Final.pdf AI risk will often be uncertain. The challenge is ensuring that regulators have access to the best information, expert opinion and regulate with high levels of transparency. Regulators need to grapple with the interconnectedness of AI risk - how AI risk can be global, underscoring the need for cooperation and coordination to effectively address. Regulators also need to consider risk and the extent of harm from AI compared to the status quo. Concerns with AI should not be made independent of the context 119:3 p 6 in F530005-AI_White_Paper_Submission_Final.pdf It will be important for a risk-based approach to be grounded in science and experience with AI use-cases. For instance, many current AI use-cases build on existing analytical techniques, such as using AI to improve routing and reduce fuel consumption, to improve inventory management, for predictive maintenance and services, such as in the air cargo industry, or speech recognition tools in call management centers. 119:4 p 7 in F530005-AI_White_Paper_Submission_Final.pdf Where AI regulation is needed it should be based on a risk assessment and cost-benefit analysis and targeted to each high-risk category. As noted above, this should include assessment of likelihood and severity of harm compared against the status quo. Where AI provides some risk of harm that is nevertheless less than the alternative, then further consideration should be required to determine whether and how to regulate AI. 119:5 p 7 in F530005-AI_White_Paper_Submission_Final.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530085 - Finnish Centre for Artificial Intelligence

Policy Issue I: Establishing a new AI framework	
Preference:	We share the general vision of Trustworthy AI forming a competitive edge for Europe but feel that the White Paper focuses too much on regulation, and what is more, much of the discussion is too detailed and based on limited views of what AI actually is. In most use cases, current regulatory frameworks would be quite sufficient (at least with minor modifications), and building a completely new framework for AI technologies (only) is at best not necessary, and at worst quite harmful. 121:3 p 4 in F530085-FCAI_consultation_on_the_AI_White_Paper_signed.pdf

Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	Do not base regulation on a definition of AI. FCAI agrees that regulation of AI and digital technologies is an important issue but notes that the discussion in the White Paper goes into unnecessary levels of detail (more than half of the report is focusing on regulation), and what is more, is unfortunately partly based on misguided views on AI and its relation to software systems and digital technologies in general. In particular, we strongly disagree with statements like "The working assumption is that the regulatory framework would apply to products and services relying on AI. AI should therefore be clearly defined for the purposes of this White Paper, as well as any possible future policy- making initiative." [Section 5C]. Creating a regulatory framework based on ANY definition of AI would be dangerous as it would first of all offer possibilities for "non-AI software" to bypass the regulation altogether, and moreover, regardless of the definition of AI used, circumventing this type of regulation would not be very hard. We would also point out that the paper quite unnecessarily mentions some very specific technologies that represent approaches that may work in some narrow areas but are not generally very popular (neuromorphic solutions on page 4) or evolving areas for which the practical relevance of AI within the next decade is quite unclear (quantum computing on page 4.) 121:1 p 2 in F530085-FCAI_consultation_on_the_AI_White_Paper_signed.pdf
Final:	Broad definition in line with international approaches
Score:	0
Policy Issue III: Risk-based approach	
	Identify the risks with the risk-based regulation: As argued above, regulation of digital products and services should be based on the intended use of the technology, not on the technology itself. Therefore, the high-risk/low-risk approach of the White Paper offers a more sound basis for regulation (than any definition of AI) as the risk level refers to the intended use (environment), and is not an intrinsic property of the technology itself: for example, the risk level of a classifier software clearly depends on the use case: is it about medical diagnosis of a patient, opening the screen lock of a phone, or recommendation of open appointment slots at a medical center? However, it should be noted that an obvious problem with the risk-based approach is that many sectors include both high-risk and low-risk use cases, and the classification of each use case individually may be laborious. If, on the other hand, each sector would be classified as a whole, many products or services that are actually low-risk, may end up in the high-risk screening, which may slow down the development in Europe, giving an advantage to non-European players. 121:2 p 3 in F530085-FCAI_consultation_on_the_AI_White_Paper_signed.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530013 - Centre for Religious Studies of Fondazione Bruno Kessler

Policy Issue I: Establishing a new AI framework	
Preference:	We strongly support the European Commission’s twin objective of achieving an “ecosystem of excellence”, by mobilizing resources in order to foster research and promote the adoption of services based on AI, and of creating an “ecosystem of trust”, by

	setting a regulatory framework for AI that ensures the protection of fundamental rights and consumers' rights 120:1 p 5 in F530013-FBK-ISR_Response_Paper.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue II: Risk-based approach	
Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F520314 - University of Cambridge
Note: only reacts to data keeping records

Policy Issue I: Establishing a new AI framework	
Preference:	-
Questionnaire:	-
Final:	There is new legislation
Score:	-
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F530284 - Nesta
Note: only reacted to Data related points

Policy Issue I: Establishing a new AI framework

Preference:	While we unhesitatingly support this important work 125:1 p 1 in F530284-White_Paper_on_AI_-_A_European_Approach_-_Nesta_response.pdf
Questionnaire:	There is need for a new legislation
Final:	There is new legislation
Score:	2
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F530378 - Universidad Politécnica de Madrid

Policy Issue I: Establishing a new AI framework	
Preference:	We are making a proposal to expand and improve the current approach of the White Paper, which we believe suffers from important shortcomings. 128:1 p 1 in F530378-Comments_White_Paper_14Jun20.pdf We believe that the current draft of the White Paper lacks a sufficiently deep analysis of ethical and methodological issues that should lead to the development of Algorithmic Justice 128:3 p 2 in F530378-Comments_White_Paper_14Jun20.pdf We therefore call for the dissemination of this document, in which we have attempted to address what we consider to be the most worrying issues, as a focal point for constructive action. 128:5 p 2 in F530378-Comments_White_Paper_14Jun20.pdf We need to go beyond an AI framework that is restrictive, reductionist and self-regulated, and work towards a future in which not only are citizens protected against the risks of AI but in which AI is empowering and makes a decisive contribution to bringing peace, prosperity, and justice, and to enhancing social, material and spiritual well-being. 128:6 p 2 in F530378-Comments_White_Paper_14Jun20.pdf
Questionnaire:	There is a need for a new legislation
Final:	There is new legislation
Score:	2
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	

	We also warn of some of the risks of AI that are not mentioned in the White Paper and which we believe could be amplified by prioritizing a vision focused exclusively on commercial competitiveness, which also risks becoming obsolete in the face of the profound social and economic changes that European society is experiencing 128:4 p 2 in F530378-Comments_White_Paper_14Jun20.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530476 - Inria

Policy Issue I: Establishing a new AI framework	
Preference:	Future regulation on AI may clarify the global framework but there should be exceptions, so that academic research can generate and experiment disruptive ideas and that the burden will be limited for emerging companies (not limiting innovation). 129:3 p 2 in F530476-Doc_2_-_20200528_Position_Paper_on_AI_VF.pdf
Questionnaire:	No opinion
Final:	There is new legislation
Score:	-
Policy Issue II: Defining AI	
Preference:	Hybridizing symbolic methods with Deep Learning (DL), improving thus causal learning, or pattern mining the activations of the neurons for DL are two approaches to the most necessary explainability. 129:4 p 2 in F530476-Doc_2_-_20200528_Position_Paper_on_AI_VF.pdf
Final:	Broad definition in line with international approaches
Score:	1
Policy Issue III: Risk-based approach	
	depending on the risks involved, as the European Commission suggests with the high-risk/low-risk classification. 129:2 p 1 in F530476-Doc_2_-_20200528_Position_Paper_on_AI_VF.pdf Regarding the list of potential high-risk applications, sovereign matters such as defense, security, law enforcement, public health policy, etc. should fall within their scope, because of the impact on governments, public life and democracies. 129:5 p 5 in F530476-Doc_2_-_20200528_Position_Paper_on_AI_VF.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F529175 - Judicial Observatory on Digital Innovation

Policy Issue I: Establishing a new AI framework	
Preference:	-
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation

Score:	1
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference	The use of AI applications for purposes of marketing would always be considered "high risk", irrespective of the sector of activities to which the marketing practices are addressed, and including in case of AI's marketing applications directed at influencing non-economic decisions. 114:1 p 7 in F529175-2020_05_19_JODI_comments_to_EU_Commission_Whitepaper_COM_2020__final_pdf.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530132 - Radboud University

Policy Issue I: Establishing a new AI framework	
Preference:	-
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	Artificial intelligence (AI) is still at an emerging stage, and the risks it poses to individuals and society are still uncertain. For this reason, the European Commission should adopt a precautionary stance, as was recommended by the High-Level Expert Group on Artificial Intelligence. 122:4 p 3 in F530132-General_response_on_the_EC_White_Paper_on_AI_by_Radboud_AI_incl_FdR.pdf
Final:	Broad definition in line with international approaches
Score:	2
Policy Issue III: Risk-based approach	
	Missing: the possible need for a sectoral approach to regulation concerning discrimination and fairness that Prof. Frederik Zuiderveen Borgesius (Radboud University) recommended in his report (this is addressed in other terms on p. 17, where they speak of a targeted approach, but based on risk level) 122:1 p 2 in F530132-General_response_on_the_EC_White_Paper_on_AI_by_Radboud_AI_incl_FdR.pdf The White paper only foresees two types of risks: high-risks and non-high risks. This is too little. There should at least be 3 categories: high-risks, medium risks, and low risks. Only low risks should be minimally regulated with the type of voluntary self-regulation mechanisms that the European Commission proposes. 122:2 p 4 in F530132-General_response_on_the_EC_White_Paper_on_AI_by_Radboud_AI_incl_FdR.pdf

	In order to determine whether an AI application presents a high risk, the White paper puts forth 2 cumulative criteria: the sector in which it is used (e.g., healthcare, transport), and the type of use (e.g., mortgage allocation or spam filter). The author fears that such a system of high-risk criteria might not be sufficiently horizontal and complete, and therefore fail to adequately cover all AI applications. In this respect, some valuable lessons can be learned from the General Data Protection Regulation's (GDPR) own system of high-risk criteria. Art. 35 GDPR on data protection impact assessments adopts criteria that are based on the properties of the processing operation at stake, and for this reason are applicable in a horizontal/transversal way. These include the scope, context, nature, purpose, and type of processing, as well as the type of data, and the impacts on the data subjects' fundamental rights and freedoms. The advantage of such a general, horizontal approach is its inclusive nature and applicability to all types of AI applications. As in the case of the GDPR, the application of these general criteria should be further refined by European and national authorities' guidance documents. They should also be complemented by additional secondary and sectoral legislation, which would then target specific sectors, or specific applications (e.g., relating to the individual's health or work situation). 122:3 p 4 in F530132-General_response_on_the_EC_White_Paper_on_AI_by_Radboud_AI_incl_FdR.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530168 - Information Technology & Innovation Foundation

Policy Issue I: Establishing a new AI framework	
Preference:	The Information Technology and Innovation Foundation (ITIF) welcomes the opportunity to provide this submission to the European Commission (EC) in response to its white paper On Artificial Intelligence: A European approach to excellence and trust 123:1 p 2 in F530168-20200612_ITIF_-_Nigel_Cory_-_EC_Submission_-_AI_and_Conformity_Assessments.pdf First, the EC is rushing to apply the precautionary principle— the idea that innovations must be proven safe before they are deployed—based on the widespread but incorrect beliefs that there is something inherently suspect about the technology, that organizations will have strong incentives to use the technology in ways that harm individuals, and that existing laws are insufficient to effectively oversee the use of this technology 123:2 p 2 in F530168-20200612_ITIF_-_Nigel_Cory_-_EC_Submission_-_AI_and_Conformity_Assessments.pdf The EC should wait. AI as a tool is too nascent for governments to jump headfirst into technology-specific regulation, at least in the vast majority of applications. 123:9 p 18 in F530168-20200612_ITIF_-_Nigel_Cory_-_EC_Submission_-_AI_and_Conformity_Assessments.pdf Many proposed solutions are a poor fit, inadequate, and/or ineffective. 123:4 p 3 in F530168-20200612_ITIF_-_Nigel_Cory_-_EC_Submission_-_AI_and_Conformity_Assessments.pdf The EC should not rush to enact a framework that will have long-lasting domestic and international implications on trade, innovation, its own competitiveness, and that of other economies. 123:8 p 18 in F530168-20200612_ITIF_-_Nigel_Cory_-_EC_Submission_-_AI_and_Conformity_Assessments.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	

Preference:	AI (however this is ultimately defined and applied that looks like) 123:10 p 4 in F530168-20200612_ITIF_-_Nigel_Cory_-_EC_Submission_-_AI_and_Conformity_Assessments.pdf
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue II: Risk-based approach	
Preference	But the likelihood of these risks coming to fruition is often overstated, as advocates incorrectly assume market forces would not prevent early errors or flawed systems from reaching widespread deployment. 123:3 p 2 in F530168-20200612_ITIF_-_Nigel_Cory_-_EC_Submission_-_AI_and_Conformity_Assessments.pdf There are major concerns about broad definition of "high-risk" for AI and for sectors in the white paper 123:11 p 23 in F530168-20200612_ITIF_-_Nigel_Cory_-_EC_Submission_-_AI_and_Conformity_Assessments.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

Policy Positions - Group II: NGO's

F514709 - STANDING COMMITTEE OF EUROPEAN DOCTORS CPME

Policy Issue I: Establishing a new regulatory framework	
Preference:	Regulatory steps are needed to ensure alignment with health care AI. 1:6 p 5 in F514709-CPME.Board_.Nov19.FINAL_.EN_.AIinhealthcare.pdf
Questionnaire:	There is need for a new legislation
Final:	There is a proposal for new legislation
Score:	2
Policy Issue II: Defining AI	
Preference:	CPME endorses a conceptualisation of artificial intelligence that focuses on artificial intelligence's assistive role. 1:1 p 2 in F514709-CPME.Board_.Nov19.FINAL_.EN_.AIinhealthcare.pdf
Final:	Broad definition in line with international approaches
Score:	1
Policy Issue III: Risk-based approach	
Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F514729 - Eurocities

Policy Issue I: Establishing a new regulatory framework	
Preference:	We welcome the Commission proposal to improve access to data establishing common European data spaces that will facilitate data being used and shared between different

	players, also cross-border, as well as data quality, interoperability and standards within and across sectors 2:1 p 4 in F514729-EUROCITIES_statement_on_AI_final.pdf
Questionnaire:	There is need for a new legislation
Final:	There is a proposal for new legislation
Score:	2
Policy Issue II: Defining AI	
Preference:	We strongly believe in strengthening this effort through initiatives that focus on semantic interoperability by shared definitions, both technical and multilingual. 2:2 p 4 in F514729-EUROCITIES_statement_on_AI_final.pdf
Final:	Broad definition in line with international approaches
Score:	1
Policy Issue III: Risk-based approach	
Preference:	Some AI uses can be considered high-risk. More detailed and clear descriptions of the possible high-risk uses are necessary to clearly understand when a local public administration is affected. We propose establishing a task force composed by AI experts and local public administration experts to better define the different possible high-risk uses. 2:7 p 1 in F514729-EUROCITIES_statement_on_AI_final.pdf We agree with the Commission's opinion on applying the high-risk approach and to use the cumulative criteria of the 'sector' where AI applications are employed as well as the intended 'use' of AI within each sector. 2:3 p 4 in F514729-EUROCITIES_statement_on_AI_final.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F529839 - European Women Lawyers Association

Policy Issue I: Establishing a new regulatory framework	
Preference:	EWLA welcomes that the European Commission is fully aware of the specific risks that AI systems can pose. However, proportionality considerations should not prevent the European legislator from adjusting the existing legal framework that protects fundamental rights with further legislation to counterbalance the danger of possible violations of the non-discrimination principle and the undeniable informational asymmetries of algorithmic decision-making that citizens are confronted with. 3:1 p 1 in F529839-EWLA_Statement_White_Paper_AI_final_14.06.2020.pdf EWLA welcomes the European Commission's pro-active approach to creating an ecosystem of trust that is based on a human-centric AI which could serve as a model for other jurisdictions. 3:3 p 2 in F529839-EWLA_Statement_White_Paper_AI_final_14.06.2020.pdf By means of supranational legislative standard setting in the EU – similar to that of the GDPR – the adoption of an EU Regulation would ensure extraterritorial application of a human-centric "flagship" standard that would become the common denominator for all stakeholders 3:4 p 2 in F529839-EWLA_Statement_White_Paper_AI_final_14.06.2020.pdf
Questionnaire:	There is need for a new legislation
Final:	There is a proposal for new legislation

Score:	2
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	In conclusion, and as there is a thin line between high-risk, less risk and minor risk AI applications, EWLA would favour a more differentiated legislative approach of the European Commission and therefore only minor risk applications should be left out of the European legal framework. 3:2 p 2 in F529839-EWLA_Statement_White_Paper_AI_final_14.06.2020.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F529896 - Europeans Women's Lobby

Policy Issue I: Establishing a new regulatory framework	
Preference:	EWL strongly recommends that in order to ensure a European Strategy on AI is effective in building trust for European citizens and adheres to the Charter of Fundamental Rights, that gender mainstreaming must be implemented throughout all processes, by all relevant actors, including the private sector. 4:4 p 5 in F529896-European_Womens_Lobby__Recommendations_on_European_Commission_Public_Consultation_on_AI.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is a proposal for new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	EWL would firstly reiterate that the definition of "Artificial Intelligence" (AI) has been significantly narrowed in the last 40 years and that what is being referred to are statistical models that are used to analyse large quantities of data or "Machine Learning" 4:7 p 1 in F529896-European_Womens_Lobby__Recommendations_on_European_Commission_Public_Consultation_on_AI.pdf The AI strategy must be defined and implemented with the explicit inclusion of gender mainstreaming mechanisms, including gender budgeting and impact assessments 4:1 p 2 in F529896-European_Womens_Lobby__Recommendations_on_European_Commission_Public_Consultation_on_AI.pdf
Final:	Broad definition in line with international approaches
Score:	0
Policy Issue II: Risk-based approach	

Preference:	EWL welcomes the recognition of health as a sector with significant risk to life 4:10 p 4 in F529896-European_Womens_Lobby__Recommendations_on_European_Commission_Public_Consultation_on_AI.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F529923 - Business & Science Poland

Policy Issue I: Establishing a new regulatory framework	
Preference:	New regulations cannot create an additional burden for European companies that currently have much less market power than USA or Chinese giants. 5:10 p 1 in F529923-BSP_contribution_AI.pdf We are of the opinion that the existing legal framework responds to many issues posed by artificial intelligence. We see the necessity to establish a jointly recognized framework of responsibility in the EU in both the field of AI design and its application 5:1 p 3 in F529923-BSP_contribution_AI.pdf On the other hand, we believe that it is also worth reviewing current regulations to see if they create unnecessary restrictions on the development of artificial intelligence. 5:3 p 3 in F529923-BSP_contribution_AI.pdf an important step towards building a common horizontal legal framework for artificial intelligence should be the Commission's proposition of European regulations necessary for the creation of "regulatory sandboxes", especially in harmonized fields. 5:5 p 3 in F529923-BSP_contribution_AI.pdf We are pleased that the EC is proposing an investment and regulatory approach in the field of artificial intelligence 5:9 p 4 in F529923-BSP_contribution_AI.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	We support the Commission's proposal that AI systems that qualify as 'low risk' applications should be excluded from the mandatory ex ante control procedure, if such an obligation is introduced 5:8 p 4 in F529923-BSP_contribution_AI.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F529937 - Council of Bars and Law Societies of Europe

Policy Issue I: Establishing a new regulatory framework

Preference:	new legal frameworks to codify the principles and requirements governing the use of AI, in conjunction with voluntary ethics codes committing AI developers to act responsibly. 6:3 p 2 in F529937-EN_20200605_CCBE_Response_to_the_consultation_regarding_the_European_Commission_s_White_Paper_on_AI.pdf Certain important changes will need to be made to the current legislative framework 6:4 p 2 in F529937-EN_20200605_CCBE_Response_to_the_consultation_regarding_the_European_Commission_s_White_Paper_on_AI.pdf It needs to be assessed whether the currently available legal frameworks are adequate or need to be adapted in order to ensure that AI systems are used in compliance with human rights 6:7 p 5 in F529937-EN_20200605_CCBE_Response_to_the_consultation_regarding_the_European_Commission_s_White_Paper_on_AI.pdf Possibly, some new legal frameworks may need to be established to codify certain principles and requirements in conjunction with voluntary ethics codes committing AI developers to act responsibly 6:8 p 5 in F529937-EN_20200605_CCBE_Response_to_the_consultation_regarding_the_European_Commission_s_White_Paper_on_AI.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	As an alternative to the proposed risk-based approach, the CCBE calls for a more targeted approach which sets legal requirements tailored to the needs of the specific sectors and circumstances after a more detailed evaluation of risks and assessment of legal or other appropriate measures. 6:1 p 2 in F529937-EN_20200605_CCBE_Response_to_the_consultation_regarding_the_European_Commission_s_White_Paper_on_AI.pdf The use of AI by courts and in criminal justice systems is a high risk as it undermines many of the foundations on which justice is based. Any deployment of such tools should therefore be preceded by in-depth evaluation and impact assessments with the involvement of all relevant actors and stakeholders and be strictly regulated taking into account the procedural architecture underpinning judicial proceedings. In any case, a right to a human judge should be guaranteed at any stage of the proceedings. 6:2 p 2 in F529937-EN_20200605_CCBE_Response_to_the_consultation_regarding_the_European_Commission_s_White_Paper_on_AI.pdf CCBE is concerned that an exercise of categorising risk as “high” or “low” on the basis of abstract criteria is too simplistic and will lead to structurally defective regulation. A more targeted approach is called for. 6:9 p 5 in F529937-EN_20200605_CCBE_Response_to_the_consultation_regarding_the_European_Commission_s_White_Paper_on_AI.pdf In the White Paper, it is acknowledged that the level of risk can be very different even within the same "sector", such as healthcare 6:10 p 5 in F529937-EN_20200605_CCBE_Response_to_the_consultation_regarding_the_European_Commission_s_White_Paper_on_AI.pdf

	Setting of legal requirements tailored to the needs of the specific sectors and circumstances. In this context, it is important to consider how general principles, such as non-discrimination and fair trial rights, apply and need to be adhered to. 6:11 p 6 in F529937-EN_20200605_CCBE_Response_to_the_consultation_regarding_the_European_Commission_s_White_Paper_on_AI.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530031 - Open Knowledge Foundation

Policy Issue I: Establishing a new regulatory framework	
Preference:	The EU's white paper is an interesting first step, emphasising the need for a trustworthy AI framework, respectful of our existing values and rights. 8:2 p 1 in F530031-Open_Knowledge_Foundation_response_to_the_EU_AI_White_Paper.pdf
Questionnaire:	There is need for a new legislation
Final:	There is new legislation
Score:	2
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	Rather than legislating around risk levels, which is a narrow concept, we should look at algorithms and AI through the lens of public impact. 8:1 p 1 in F530031-Open_Knowledge_Foundation_response_to_the_EU_AI_White_Paper.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	0

F530046 - Wikimedia Free Knowledge Advocacy Group

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	2
Policy Issue II: Defining AI	
Preference:	The EU would likely be best served by avoiding to determine when a system is sufficiently autonomous and “creative” and instead focus on the one relevant real-life

	scenario, which is: Automated systems designed to perform specific tasks by one party, and deployed in particular applications of those tasks by another. 10:1 p 1 in F530046-AI_and_IPR.pdf
Final:	Broad definition in line with international approaches
Score:	0
Policy Issue III: Risk-based approach	
Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F530074 - AGE Platform Europe

Policy Issue I: Establishing a new regulatory framework	
Preference:	We called for a clear ethical framework based on and fully aligned with human rights, 11:4 p 1 in F530074-AI_WhitePaper_Contribution-Addendum_AGE_2020-06-12_FINAL.pdf We made clear that self-regulation was not the ideal solution to fully and equally protect users. 11:3 p 2 in F530074-AI_WhitePaper_Contribution-Addendum_AGE_2020-06-12_FINAL.pdf In relation to AI, the manifesto notably requested a binding legislative framework to ensure fair, transparent and accountable AI-powered automated decision-making (ADM) technologies. It also underlined how critical digital literacy and user engagement are. 11:5 p 2 in F530074-AI_WhitePaper_Contribution-Addendum_AGE_2020-06-12_FINAL.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F530107 - Center for Democracy & Technology

Policy Issue I: Establishing a new regulatory framework

Preference:	Further, the Commission may wish to consider whether existing legal concepts addressing harms are capable of accounting for all of the possible harms an AI application could produce 12:4 p 2 in F530107-CDT_Supporting_Document_for_the_EU_Commission_Open_Consultation_on_the_AI_White_Paper_June_2020.pdf CDT believes that a new AI regulatory framework should integrate the current European legislative framework and, in particular, the General Data Protection Regulation. 12:8 p 7 in F530107-CDT_Supporting_Document_for_the_EU_Commission_Open_Consultation_on_the_AI_White_Paper_June_2020.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	We urge policy makers to refrain from mandating the use of filtering and other technologies, and we caution that reliance on automated tools involve serious risks for free expression and access to information 12:1 p 1 in F530107-CDT_Supporting_Document_for_the_EU_Commission_Open_Consultation_on_the_AI_White_Paper_June_2020.pdf Furthermore, more precise descriptions of different kinds of AI systems will be important in the new framework. 12:9 p 7 in F530107-CDT_Supporting_Document_for_the_EU_Commission_Open_Consultation_on_the_AI_White_Paper_June_2020.pdf
Final:	Broad definition in line with international approaches
Score:	0
Policy Issue III: Risk-based approach	
Preference:	We believe prioritizing regulatory action according to risk is an efficient way to govern public intervention because it focuses on regulatory action where it is likely most needed. 12:2 p 1 in F530107-CDT_Supporting_Document_for_the_EU_Commission_Open_Consultation_on_the_AI_White_Paper_June_2020.pdf of AI applications into high- and low-risk could be too rigid an approach to AI regulation, failing to capture the nuanced scale of AI risks and the highly contextual nature of the potential uses of AI applications. Under a binary approach, the only options are no regulation or heavy regulation3, making it likely that many moderately risky AI systems will end up falling into the high-risk section and being subjected to disproportionate requirements while other, similarly risky applications could face no regulation. 12:3 p 2 in F530107-CDT_Supporting_Document_for_the_EU_Commission_Open_Consultation_on_the_AI_White_Paper_June_2020.pdf CDT suggests a more scaled approach. 12:5 p 2 in F530107-CDT_Supporting_Document_for_the_EU_Commission_Open_Consultation_on_the_AI_White_Paper_June_2020.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

530120 - World Economic Forum | Centre for the fourth Industrial Revolution

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	There is need for new regulation
Final:	There is new legislation
Score:	2
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	In our view, the attempt to bifurcate the AI ecosystem into two categories seems to be based on a rather naive view of what AI is. 13:1 p 12 in F530120-Briefing_Paper_-_Employment_Law_and_AI-Based_Recruitment-no_images.pdf We believe that if the European Commission were to decide to implement a "risk assessment" framework on an a priori basis, such a system should be more graduated. Simply put, a moderate level of compliance requirements should apply to moderately risky AI systems. 13:2 p 12 in F530120-Briefing_Paper_-_Employment_Law_and_AI-Based_Recruitment-no_images.pdf We believe, however, that the risk level (and therefore the level of legal compliance required) should not be fixed by statute. 13:3 p 12 in F530120-Briefing_Paper_-_Employment_Law_and_AI-Based_Recruitment-no_images.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530127 - European Centre for Not-For-Profit Law Stichting

Policy Issue I: Establishing a new regulatory framework	
Preference:	We urge the European Commission to clearly prioritise the public interest, the protection of individual rights, non-discrimination, and equal access to resources and participation, as the core concern of any future strategy/regulative framework on Artificial Intelligence. 14:1 p 1 in F530127-ECNL_Stichting_EU_AI_White_Paper_submission.pdf We share concerns raised by the civil society community that the White Paper's overall narrative/framing suggests a worrisome reversal of EU priorities, putting global competitiveness ahead of the protection of fundamental rights. 14:2 p 1 in F530127-ECNL_Stichting_EU_AI_White_Paper_submission.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches

Score:	-
Policy Issue III: Risk-based approach	
Preference:	We believe that a human rights-based approach is essential to ensure that AI developed and deployed in the EU can be truly trustworthy and widely accepted. 14:3 p 1 in F530127-ECNL_Stichting_EU_AI_White_Paper_submission.pdf Any risk-based approach to AI must center on the potential harm for the individual as well as for society at large and must follow clear and transparent rules. In that regards, we can envision first a human rights impact assessment 14:4 p 1 in F530127-ECNL_Stichting_EU_AI_White_Paper_submission.pdf We caution against any regulatory model that is based on a sole distinction between high- and low-risk applications 14:5 p 1 in F530127-ECNL_Stichting_EU_AI_White_Paper_submission.pdf With regards to the risk-based approach, the White Paper does not include the possible effects of AI systems on democracy. 14:7 p 3 in F530127-ECNL_Stichting_EU_AI_White_Paper_submission.pdf The EU should revise and realign the risk-based approach and work towards clear and coherent criteria 14:6 p 2 in F530127-ECNL_Stichting_EU_AI_White_Paper_submission.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530143 - Amnesty International

Policy Issue I: Establishing a new regulatory framework	
Preference:	for the Commission towards establishing an effective regulatory framework to ensure that the development and deployment of artificial intelligence is carried out in with human rights 15:1 p 1 in F530143-AI_white_paper_response_Amnesty_International.pdf
Questionnaire:	There is need for new legislation
Final:	There is new legislation
Score:	2
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	recommends against the Commission's proposal that the mandatory requirements of a new regulatory framework should only apply to pre-defined 'high-risk' AI applications. 15:3 p 2 in F530143-AI_white_paper_response_Amnesty_International.pdf it is vital that the EU legally requires that all AI systems are subjected to an ongoing process of human rights due diligence, in line with international standards 15:4 p 2 in F530143-AI_white_paper_response_Amnesty_International.pdf for example through a Human Rights Impact Assessment (HRIA), and to demonstrate that it has taken appropriate action to address these risks, 15:5 p 2 in F530143-AI_white_paper_response_Amnesty_International.pdf

	Commission's proposal as it stands will be to create loopholes in which high-risk AI applications remain unregulated 15:6 p 3 in F530143-AI_white_paper_response_Amnesty_International.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	0

F530219 - European Network of National Human Rights Institutions

Policy Issue I: Establishing a new regulatory framework	
Preference:	ENNHRI welcomes the White Paper on "Artificial Intelligence - A European approach to excellence and trust", which is an important contribution to developing a fundamental rights approach to AI within the EU. 16:1 p 1 in F530219-ENNHRI_letter_White_Paper_AI_final__1_.pdf
Questionnaire:	There is need for new legislation
Final:	There is new legislation
Score:	2
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	Any fundamental rights-based approach to AI should take into account the potential impact on the full range of rights, and not be limited to data protection, privacy and non-discrimination. 16:2 p 2 in F530219-ENNHRI_letter_White_Paper_AI_final__1_.pdf A rights-based approach to AI is key 16:3 p 2 in F530219-ENNHRI_letter_White_Paper_AI_final__1_.pdf Fundamental rights impact assessments should be conducted prior to the deployment of an AI-system and – drawing on established good practice from other fields – repeated on a regular basis post deployment. 16:4 p 3 in F530219-ENNHRI_letter_White_Paper_AI_final__1_.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	0

F530230 - Civil Liberties Union for Europe

Policy Issue I: Establishing a new regulatory framework	
Preference:	Liberties believes this to be a dangerous approach. 17:2 p 2 in F530230-AI_WPcon_Lib_Annex.pdf
Questionnaire:	Other
Final:	There is new legislation

Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F530233 - Confederation of Laboratories for Artificial Intelligence Research in Europe (CLAIRE, AISBL)

Policy Issue I: Establishing a new regulatory framework	
Preference:	Change existing policy instruments and strategies to take into account the significant role of entrepreneurs and private capital in the modern, AI-driven innovation economy. 18:2 p 3 in F530233-CLAIRE_Response_to_the_EC_White_Paper_on_AI.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	Adopt a definition of AI that captures what distinguishes AI approaches from other kinds of advanced computation: they exhibit key aspects of behavior considered as intelligent in humans. With a non-standard definition of AI, there is a risk that support as well as regulation are misaligned with what is commonly understood to constitute AI technology. 18:1 p 3 in F530233-CLAIRE_Response_to_the_EC_White_Paper_on_AI.pdf The white paper also uses a problematic and non-standard definition of AI 18:3 p 5 in F530233-CLAIRE_Response_to_the_EC_White_Paper_on_AI.pdf The definition used in the white paper does not reflect these diverse roles and capabilities of AI systems. It also does not consider that AI systems can be dynamic, non-deterministic, autonomous, adaptive and interactive. As a result, it is unclear what needs to be supported and regulated, and there is a risk that support as well as regulation is misaligned with what is commonly understood to constitute AI technology. 18:4 p 6 in F530233-CLAIRE_Response_to_the_EC_White_Paper_on_AI.pdf
Final:	Broad definition in line with international approaches
Score:	0
Policy Issue III: Risk-based approach	
Preference:	The idea that there are high-risk applications and low-risk applications is sensible. 18:5 p 11 in F530233-CLAIRE_Response_to_the_EC_White_Paper_on_AI.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria

Score:	1

F530251 - European Public Health Alliance (EPHA)

Policy Issue I: Establishing a new regulatory framework	
Preference:	The integration of Big Data and AI technologies must be accompanied by regular updates of legislation and rules that protect the fundamental rights of individuals, their privacy and personal data including health data. 19:3 p 14 in F530251-EPHA_Moving_beyond_the-Hype_2019.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F530254 - Victim Support Europe

Policy Issue I: Establishing a new regulatory framework	
Preference:	Victim Support Europe (VSE) welcomes the EU consultation on the White Paper on Artificial Intelligence. 20:1 p 1 in F530254-AI_consultation_VSE.pdf The concerns expressed above can and should be addressed by applicable EU legislation or appropriate non-legislative action. Current legislation on AI may have some gaps, as it is unclear whether EU legislation sufficiently addresses these issues and further research and consultation should be carried out to determine if there is sufficient legislative protection in place with respect to the use of AI for criminal purposes. 20:2 p 2 in F530254-AI_consultation_VSE.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	

Preference:	we support compulsory requirements on high risk applications in order to limit any risks, 20:3 p 2 in F530254-AI_consultation_VSE.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530260 - Platform for International Cooperation on Undocumented Migrants (PICUM)

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue II: Risk-based approach	
Preference:	Commit to a robust fundamental rights-centred approach as its first priority. This entails conducting and making available publicly a fundamental rights review of AI technologies, including a specific focus on those most at-risk of its harmful impacts. It should be clear how this review influences the coordinated plan on AI, and in particular how the latter addresses fundamental rights concerns. 21:1 p 3 in F530260-PICUM_submision__EU_consultation_on_AI_June_2020_FINAL.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	0

F530261 - World Federalist Movement | Transnational Working Group

Policy Issue I: Establishing a new regulatory framework	
Preference:	There is little mention of a global regulatory framework. 22:1 p 1 in F530261-WFM_TWG_AI_EC_White_Paper_050620.pdf The sooner this power is under responsible and effective global regulation the better. This should be an explicit goal for the European Union, CAHAI and the United Nations 22:2 p 1 in F530261-WFM_TWG_AI_EC_White_Paper_050620.pdf Regulatory Framework for the development and deployment of AI systems should address the problem outlined above. 22:4 p 2 in F530261-WFM_TWG_AI_EC_White_Paper_050620.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	

Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue II: Risk-based approach	
Preference:	Categories of risk that will need serious action to address. The European Commission paper should explicitly acknowledge this and propose initial steps towards their resolution. 22:3 p 1 in F530261-WFM_TWG_AI_EC_White_Paper_050620.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530274 - European Law Institute
Note: "The present response does not reflect the official view of the European Law Institute or of any other body the authors may be associated with."
F530285 - The Future Society

Policy Issue I: Establishing a new regulatory framework	
Preference:	The Future Society welcomes the European Commission's White Paper on AI and, more broadly, the European Approach on AI. 24:1 p 1 in F530285-The_Future_Society_Contribution_to_Consultation_on_the_White_Paper_on_AI_June_2020.pdf If the governance structure is designed properly, we believe these new public capabilities could turn the European Approach into reality, ensuring consumer protection and empowering innovation 24:3 p 3 in F530285-The_Future_Society_Contribution_to_Consultation_on_the_White_Paper_on_AI_June_2020.pdf
Questionnaire:	There is need for new legislation
Final:	There is new legislation
Score:	2
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F530289 - Swedish AI Society

Policy Issue I: Establishing a new regulatory framework	
Preference:	-

Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	Adopt a definition of AI that captures what distinguishes AI approaches from other kinds of advanced computation: They exhibit key aspects of behaviour considered as intelligent in humans, and thus enable fundamentally new levels of automation and delegation. AI is a moving target. 25:1 p 3 in F530289-SAIS_EC_AI_Whitepaper_Response_-_Final.pdf While there is no universally accepted definition of what constitutes AI technology, defining AI as "a collection of technologies that combine data, algorithms and computing power" (p. 2) is problematic - especially, since it is later stated as forming the basis of any regulatory framework to be created 25:2 p 3 in F530289-SAIS_EC_AI_Whitepaper_Response_-_Final.pdf AI thus encompasses algorithms and systems that can replicate, support or surpass human reasoning processes; learn, draw conclusions and make predictions based on large or small quantities of data; replicate or enhance human perception; support humans in planning, scheduling, resource allocation and decision making; and cooperate with humans and other AI systems. The definition used in the white paper does not reflect these diverse roles and capabilities of AI systems 25:4 p 3 in F530289-SAIS_EC_AI_Whitepaper_Response_-_Final.pdf AI thus encompasses algorithms and systems that can replicate, support or surpass human reasoning processes; learn, draw conclusions and make predictions based on large or small quantities of data; replicate or enhance human perception; support humans in planning, scheduling, resource allocation and decision making; and cooperate with humans and other AI systems. The definition used in the white paper does not reflect these diverse roles and capabilities of AI systems 25:4 p 3 in F530289-SAIS_EC_AI_Whitepaper_Response_-_Final.pdf
Final:	Broad definition in line with international approaches
Score:	0
Policy Issue III: Risk-based approach	
Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F530294 - European Network Against Racism
Note: document was not fully uploaded

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-

Final:	Broad definition in line with international approaches
Score:	0
Policy Issue III: Risk-based approach	
Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F530299 - Algorithm Watch

Policy Issue I: Establishing a new regulatory framework	
Preference:	AlgorithmWatch welcomes the European Commission's efforts to develop a regulatory framework which is based on European values and in full respect of fundamental rights 27:1 p 1 in F530299-AlgorithmWatch_Submission_EC-White-Paper-AI_20200612.pdf We urge the European Commission (EC) to clearly prioritize the public interest, the protection of individual rights, non-discrimination, and equal access to resources and participation, as the core concern of any future strategy/ regulatory framework on Artificial Intelligence. 27:2 p 2 in F530299-AlgorithmWatch_Submission_EC-White-Paper-AI_20200612.pdf We ask for legislation to be enacted at the EU level to mandate that member states establish public registers of ADM systems used by the public sector. 27:5 p 3 in F530299-AlgorithmWatch_Submission_EC-White-Paper-AI_20200612.pdf
Questionnaire:	There is need for new legislation
Final:	There is new legislation
Score:	2
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	we stress that any risk-based approach to AI must centre on the potential harm for the individual as well as for society at large and must follow clear and transparent rules. The risk-based approach proposed in the White Paper lacks both clarity and transparency. Moreover, the current approach runs the risk of incorrectly categorizing ADM systems which may harm an individual, impact an individual's access to resources, or concern their participation in society as low risk, with the consequence that regulative measures would not apply 27:3 p 2 in F530299-AlgorithmWatch_Submission_EC-White-Paper-AI_20200612.pdf We therefore ask the Commission to revise and realign the risk-based approach and work towards clear and coherent criteria 27:4 p 3 in F530299-AlgorithmWatch_Submission_EC-White-Paper-AI_20200612.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	

F530324 - Deutscher Anwalt Verein (DAV)

Policy Issue I: Establishing a new regulatory framework	
Preference:	a forward-looking regulation is required in order to protect a humane society and human rights 28:1 p 6 in F530324-2020-06-14_DAV-Position_Paper_AI.pdf
Questionnaire:	There is need for a new legislation
Final:	There is new legislation
Score:	2
Policy Issue II: Defining AI	
Preference:	First of all, we agree with the EU Commission's demand for a clear definition of AI, which, on the one hand, is flexible enough to keep up with the ongoing technological development and, on the other hand, is sufficiently precise in the interest of legal certainty. However, any details should be left to experts with technical and legal expertise. 28:7 p 30 in F530324-2020-06-14_DAV-Position_Paper_AI.pdf A rigid definition would not be helpful regarding the ability to react to new technologies, which are subject to constant innovation. 28:8 p 30 in F530324-2020-06-14_DAV-Position_Paper_AI.pdf
Final:	Broad definition in line with international approaches
Score:	1
Policy Issue III: Risk-based approach	
Preference:	regard to high-risk applications of AI. The DAV suggests a more nuanced approach. From the DAV's point of view, a concept should be developed which has at least five stages, within the framework of which AI-applications must comply with certain transparency, security and monitoring requirements depending on the intensity of their intervention 28:2 p 18 in F530324-2020-06-14_DAV-Position_Paper_AI.pdf In the view of the DAV, dividing AI systems into two categories only, namely high and low-risk applications by way of an exhaustive list, does not reflect the complexity and variety of real-life use cases. 28:3 p 19 in F530324-2020-06-14_DAV-Position_Paper_AI.pdf Given the significance of the risks identified under Question (1), the judicial system should be marked as systemically relevant and particularly critical for democracies which are built on the idea of the balance of powers 28:6 p 20 in F530324-2020-06-14_DAV-Position_Paper_AI.pdf All these sectors need to be categorized as particularly risk-inherent to ensure that basic needs of the population can be fulfilled – with or without the use of AI. 28:5 p 20 in F530324-2020-06-14_DAV-Position_Paper_AI.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530361 - European Society of Radiology

Policy Issue I: Establishing a new regulatory framework	
Preference:	The European Society of Radiology (ESR) welcomes the European Commission’s White Paper on Artificial Intelligence (AI), its recognition of the role of AI in improving healthcare and its approach valuing excellence and trust 29:1 p 1 in F530361-ESR_Statement_for_Public_consultation_Artificial_Intelligence_June2020.pdf

	The healthcare sector's research excellence and efficiency in the uptake of AI relies upon EU-wide cooperation, a framework for best practices exchanges between national initiatives and infrastructures as well as an efficient EU health data space 29:2 p 3 in F530361-ESR_Statement_for_Public_consultation_Artificial_Intelligence_June2020.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	Any initiative, from legislation for high-risk areas to non- binding recommendations for the self-labelling of AI applications, should be furthered with the goal to build confidence among users and support the uptake of trustworthy AI across the EU. 29:3 p 3 in F530361-ESR_Statement_for_Public_consultation_Artificial_Intelligence_June2020.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530364 - Avaaz

Policy Issue I: Establishing a new regulatory framework	
Preference:	In our view the proposed AI framework will not achieve a future proof position if it adopts a view that regulation can be based on a bullet list of perceived risky AI applications 30:1 p 3 in F530364-Avaaz_Foundation_submission_to_to_EU_AI_White_Paper.pdf We have seen the benefit of a connected, consistent regulatory framework with powers to gather information and enforce against breaches of standards in industries as varied as steel production and media content regulation 30:10 p 9 in F530364-Avaaz_Foundation_submission_to_to_EU_AI_White_Paper.pdf We believe that the Commission's power is precisely to connect all the relevant pieces of the digital future framework to provide this connected framework. That means aligning the Commission's work streams (like the Democracy Action plan, the Digital Services Act, and future framework Artificial Intelligence) so all play a part in correcting the systemic faults that allow disinformation to flourish. 30:11 p 9 in F530364-Avaaz_Foundation_submission_to_to_EU_AI_White_Paper.pdf this new framework may be our best hope to ensure that AI brings the benefits you anticipate, 30:12 p 9 in F530364-Avaaz_Foundation_submission_to_to_EU_AI_White_Paper.pdf
Questionnaire:	There is need for a new legislation
Final:	There is new legislation
Score:	2
Policy Issue II: Defining AI	

Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	demonstrable risks/harms due to AI, irrespective of initial risk levels in a certain sector 30:2 p 3 in F530364-Avaaz_Foundation_submission_to_to_EU_AI_White_Paper.pdf We believe such an approach must include and regulate the AI involved dissemination, recommendation or selection of content to users at scale as a high risk under the AI Framework set out in the Commission's White Paper. 30:14 p 5 in F530364-Avaaz_Foundation_submission_to_to_EU_AI_White_Paper.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530368 - Open Society European Policy Institute

Policy Issue I: Establishing a new regulatory framework	
Preference:	Against these potentially very detrimental outcomes for European societies, it is essential that EU and national governments lead the way by building a governance framework for these new technologies that put people's interests at the forefront. 31:3 p 2 in F530368-OSEPI_recommendations_to_AI_HLEG_on_Public_Sector.pdf legislative binding framework for AI-powered automated decision-making (ADM) technologies that guarantees that they are fair, transparent and accountable for citizens, and that they do not negatively affect their fundamental rights. In all stages of their life cycles, including during design, development and deployment, ADM systems should be subject to impact assessments in order to ensure compliance with fundamental rights, consumer rights and the rule of law. 31:5 p 3 in F530368-OSEPI_recommendations_to_AI_HLEG_on_Public_Sector.pdf Based on that, propose the necessary legislative updates of all relevant EU laws, working with relevant national and European regulatory authorities where appropriate. This exercise should include an evaluation of the existing mechanisms for the enforcement of fundamental rights, and propose improvements where necessary. 31:7 p 4 in F530368-OSEPI_recommendations_to_AI_HLEG_on_Public_Sector.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	Work towards a clear definition of when an ADM system has a relevant impact on an individual, a specific group or on society. 31:6 p 3 in F530368-OSEPI_recommendations_to_AI_HLEG_on_Public_Sector.pdf
Final:	Broad definition in line with international approaches
Score:	1
Policy Issue III: Risk-based approach	

Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F530403 - Fair Trails

Policy Issue I: Establishing a new regulatory framework	
Preference:	Given these extremely serious risks, strong regulatory frameworks are needed to govern the use of AI in criminal justice decision-making, and in some circumstances, restrict their use entirely. 32:2 p 3 in F530403-Regulating_Artificial_Intelligence_for_Use_in_Criminal_Justice_Systems_in_the_EU_-_Final.pdf In order to regulate the use of AI in criminal justice proceedings, the EU must, at a minimum, set standards 32:3 p 3 in F530403-Regulating_Artificial_Intelligence_for_Use_in_Criminal_Justice_Systems_in_the_EU_-_Final.pdf Member States should have laws that govern how AI systems are relied upon in criminal proceedings, and there must be adequate safeguards to prevent over-reliance on AI by decision-makers, to prevent discrimination and to ensure scrutiny and effective challenge by the defence 32:5 p 4 in F530403-Regulating_Artificial_Intelligence_for_Use_in_Criminal_Justice_Systems_in_the_EU_-_Final.pdf
Questionnaire:	There is need for a new legislation
Final:	There is new legislation
Score:	2
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F530410 - Eurodis | Rare Diseases Europe

Policy Issue I: Establishing a new regulatory framework	
Preference:	We welcome the Commission's approach to regulating certain aspects relating to the application of AI in the area of health. 33:1 p 1 in F530410-AI_consultation_EURORDIS_FINAL.pdf particular risks, that need to mitigated by robust legislation. 33:2 p 2 in F530410-AI_consultation_EURORDIS_FINAL.pdf Whilst we acknowledge that there may be gaps in the current regulatory framework, notably as the WP identifies in the areas of traceability, transparency and human oversight, introducing new horizontal EU legislation on AI could be detrimental for the

	healthcare sector that is already governed by a very complex EU regulatory framework integrated by sector-specific and horizontal regulations. 33:5 p 2 in F530410-AI_consultation_EURORDIS_FINAL.pdf Introducing a new legislative has the risk of adding a layer of complexity, create inconsistencies between the different rules and uncertainty for users, patients and companies. 33:6 p 2 in F530410-AI_consultation_EURORDIS_FINAL.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	The approach seems sensible to guarantee proportionality and avoid an excessive burden on SMEs. However, for the healthcare sector this approach does not seem to bring such a benefit and it does have one important drawback. 33:7 p 2 in F530410-AI_consultation_EURORDIS_FINAL.pdf will be considered high risk according to the definition included in the White Paper (the sector and the intended uses will most of the times involve significant risks). 33:8 p 2 in F530410-AI_consultation_EURORDIS_FINAL.pdf considered high risk has proven to be very challenging in the past. It has taken the Classification and Borderline Expert Group 3 years to update the MDR guidance for borderline classification 33:9 p 2 in F530410-AI_consultation_EURORDIS_FINAL.pdf There are good reasons to believe that any rules and criteria to draw a line between low and high-risk AI systems will raise similar challenges and uncertainty 33:10 p 3 in F530410-AI_consultation_EURORDIS_FINAL.pdf so we would suggest allocating these resources to guarantee that all, high and low-risk AI applications, comply with the mandatory legal requirements imposed by the sector-specific and horizontal legislative instruments. 33:11 p 4 in F530410-AI_consultation_EURORDIS_FINAL.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530499 - ERDi EUROPEAN DIGITAL RIGHTS

Policy Issue I: Establishing a new regulatory framework	
Preference:	We argue that the European Union's regulatory response must reinforce the protections already embedded in the General Data Protection Regulation (GDPR), outline clear legal limits for AI by focusing on impermissible use, and foreground principles of collective impact, democratic oversight, accountability, and fundamental rights. 34:1 p 4 in F530499-AI_EDRiRecommendations.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0

Policy Issue II: Defining AI	
Preference:	Defining the legal boundaries for AI – The EU must set legal boundaries which reflect social and fundamental rights concerns in order to provide certainty as to what AI may be developed and deployed, and for which purposes. 34:2 p 4 in F530499-AI_EDRiRecommendations.pdf A clear definition of AI in the scope of the regulation. Any future regulation on AI must be specific about the applications intended to be within its scope. We recommend the regulation defines AI narrowly, excluding mundane and simplistic applications, to ensure horizontal rules to all AI necessary to regulate.
Final:	Broad definition in line with international approaches
Score:	0
Policy Issue III: Risk-based approach	
Preference:	EDRi's position is that the current high/low risk approach in the White Paper is insufficient to prevent, mitigate and remedy fundamental rights violations. The main problems with this approach are: The distinction in itself presents a potential loophole for scrutiny of AI applications, potentially presenting a major risk to fundamental rights. Instead, fundamental rights considerations should be the core of AI regulation in general and the application of safeguards in particular. The sectoral determination of 'high-risk' applications is overly simplistic and pos- es the potential to create further exemptions to fundamental rights scrutiny and safeguards. The sectoral determination will be unable to account for major developments in AI, the secondary use or repurposing of AI applications from one sector to anoth- er and overlooks the central importance on use or purpose of AI applications, which is central to fundamental rights oversight. The current approach portrays the issue as a problem of technology application when in essence the main issues with AI relate to governance or decision-making processes. 'Risk' or harm should be determined by clear, fundamental rights- based assessment rather than broad sector-oriented criteria. 34:4 p 11 in F530499-AI_EDRiRecommendations.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530506 - EDF EUROPEAN DISABILITY FORUM

Policy Issue I: Establishing a new regulatory framework	
Preference:	The current EU legal framework does not sufficiently address the risks we identified
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-

Policy Issue III: Risk-based approach	
Preference:	Therefore, limiting the proposed requirements to a list of 'high-risk' AI applications does not seem to be a future-proof approach. It raises many concerns, because risks may evolve over time and vary, considering human diversity 36:3 p 5 in F530506-EDF_Position_on_EC_AI_White_Paper_06.2020.pdf Consequently, at first, the focus should not be on high and low risk applications but on setting boundaries to the domains in which AI can be deployed (e.g. when the automated decision taken by an AI-based solution has even a small chance of harming or discriminating against people), as AI will in most cases not consider people who are largely out of societal ideas of "the norm", like persons with disabilities. 36:4 p 5 in F530506-EDF_Position_on_EC_AI_White_Paper_06.2020.pdf it will be very difficult to establish what is high-risk, as AI applications pose considerable transparency concerns and can change functionality during their lifespan. 36:5 p 6 in F530506-EDF_Position_on_EC_AI_White_Paper_06.2020.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	0

Policy Positions - Group III: Companies / Business Organizations

F516955 - BMW AG

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	Here, differentiating and defining AI poses a significant challenge. The White Paper falls back on a phenomenological description (p.16 et seq., with reference to COM (2018) 237 and AI HLEG): It describes the perception of the environment through data acquisition, the interpretation of this data, conclusions drawn based on knowledge or information gleaned from the data, and decision-making in relation to a complex objective as key elements of an AI system. This depiction carries the risk of introducing regulations for traditional software systems under the umbrella of the AI regulatory framework 37:1 p 2 in F516955-BMW_Comment_AI_White_Paper_final_EN.pdf If AI is not clearly defined and differentiated, the risk arises that existing functions, services and products will be subsumed under the umbrella term of AI. Putting highly automated driving on a par with AI and directly deriving from this a need for additional regulation that goes beyond previous rules seems problematic, especially where extensive, directly applicable regulations already exist for product safety and vehicle homologation. 37:2 p 2 in F516955-BMW_Comment_AI_White_Paper_final_EN.pdf
Final:	Broad definition in line with international approaches
Score:	2
Policy Issue III: Risk-based approach	
Preference:	It is important to prevent entire sectors from being placed under general suspicion, as each sector involves applications, products and services with different risk requirements. In every sector, risks must be assessed on a case basis. Even though there are already sector-specific rules in the transport sector, the following is worth considering: a list of

	"high-risk sectors" is very difficult to manage and could significantly impair the use of AI for non-critical functions/services in all the sectors listed. On the other hand, it is unclear why a risk classification based solely on the particular AI application would not be sufficient. Every AI system must be considered separately, because otherwise the training outlay for the vast majority of uses that pose no ethical risk (e.g. in production) would be greatly increased as a result of general suspicion. This would unnecessarily complicate and impede the use of AI altogether and would significantly harm the competitiveness and employment situation in Europe / Germany / Bavaria. A classification or segmentation by "high-risk sectors" carries no benefit for any party but does impede the location's innovative power and must therefore be rejected. The focus should be on the AI applications and on a differentiation based on how critical its function is ("safety-relevant applications" vs. "non-safety-relevant applications") 37:4 pp 4 – 5 in F516955-BMW_Comment_AI_White_Paper_final_EN.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F519146 - BIOGEN

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	Moreover, we acknowledge that changes and/or additions to the EU legal framework may be necessary to accommodate AI and machine learning, including 'unlocked' algorithms that change over time. 38:3 p 2 in F519146-European_Commission_AI_White_Paper_Final_Biogen_Comments_5_May_2020.pdf
Final:	Broad definition in line with international approaches
Score:	1
Policy Issue III: Risk-based approach	
Preference:	As the Commission examines how regulations may need to evolve to suit these new technologies, we encourage policies that place an initial focus on sponsor governance and accountability to address the risks (e.g. protection of personal health data, data breaches) posed by the increasing role of AI in health care and drug development. Early regulatory approaches should focus on defining the risk, establishing procedures to address development, testing, and retesting algorithms, and governance to monitor performance and plan for proper risk mitigation. 38:3 p 2 in F519146-European_Commission_AI_White_Paper_Final_Biogen_Comments_5_May_2020.pdf Biogen is supportive of defining risk categories or criteria for AI systems that correlate with the anticipated level of regulatory oversight and requirements, similar to the IMDRF SaMD risk classification guidance, with additional external stakeholder input. This will create a framework that enables predictability in development and future investment. 38:2 p 2 in F519146-European_Commission_AI_White_Paper_Final_Biogen_Comments_5_May_2020.pdf

Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F5288891 - ARM LTD

Policy Issue I: Establishing a new regulatory framework	
Preference:	In that sense there is merit in the Commission's idea of an 'ecosystem of trust'. But this needs to be a global effort. The market will need to be global if the full benefits of AI are to be realised. 39:1 p 1 in F528881-Commission_AI_consultation_response.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	The paper's description of the problem seems quite negative about the benefits of AI and lacks detail on the extent of the wide-ranging problems it alludes to, particularly in the section dealing with risks to fundamental human rights. It might be better too if it included a definition of AI. This is not easy. But it would be helpful to know what the Commission believes is encompassed by 'AI'. Ideally it would help provide balance if the paper could include material on how many AI systems are already in wide use, what sectors they are in, and how many have been genuinely problematic at the level suggested in the paper 39:5 p 1 in F528881-Commission_AI_consultation_response.pdf It would also be helpful if the paper - both in the problem definition section and more widely - was more careful to distinguish AI technology per se from the applications or uses of the technology. For example, the paper comments that 'AI may also be able to trace and deanonymize data about people. This is not a problem with AI per se, but with the use of AI. The answer to tackling that problem is not to stigmatize AI but to regulate against unacceptable re-identification of personal data. 39:6 p 2 in F528881-Commission_AI_consultation_response.pdf
Final:	Broad definition in line with international approaches
Score:	1
Policy Issue III: Risk-based approach	
Preference:	It may be better to envisage an approach which is essentially context based. If we go down this route, the prime driver of regulating for health AI devices would not be a new piece of AI focussed regulation, but the existing health authorities who are better able to weigh up the advantages and risks of new health devices, whether they use AI or not. In many sectors it will be the sector experts who are best able to judge the risks attendant on introducing specific AI technology. 39:4 p 2 in F528881-Commission_AI_consultation_response.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	0

F528940 - ARD

Policy Issue I: Establishing a new regulatory framework	

Preference:	the development of artificial intelligence (AI) and applications based on it also entails positive potential for public broadcasting and the fulfilment of its public service remit. 40:1 p 1 in F528940-ARD_on_AI-Consultation_final.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	Should AI be classified as "risky" in this respect, there should always be the possibility of adequate human oversight and intervention to avert dangers and damage 40:2 p 1 in F528940-ARD_on_AI-Consultation_final.pdf From this perspective, it can be said that high-risk situations in the sense of the questions posed by the European Commission could also arise in connection with AI and the platform industry. Therefore, the area of the use of AI through platforms that (also) offer access to opinion-forming content must be closely monitored. 40:3 p 2 in F528940-ARD_on_AI-Consultation_final.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F528943 - GOOGLE

Policy Issue I: Establishing a new regulatory framework	
Preference:	Google welcomes the publication of the European Commission's White Paper on AI. 41:1 p 2 in F528943-Google_s_submission_to_EC_AI_consultation__3_.pdf Smart government approaches to regulation will play an important role in building trust and ensuring that AI is used responsibly while encouraging innovation. Google supports the Commission's goal to achieve trustworthy, human-centric AI, and agree conceptually with the need for a well-developed risk-based approach to AI regulation that doesn't apply a "one size fits all" framework across AI's myriad applications. 41:2 p 2 in F528943-Google_s_submission_to_EC_AI_consultation__3_.pdf Google welcomes the current discussions on how to create the proper framework for trustworthy AI in Europe and is committed to engaging actively and constructively in the multi-stakeholder European discussions about AI governance, including through the EU High-Level Expert Group on AI 41:5 p 11 in F528943-Google_s_submission_to_EC_AI_consultation__3_.pdf There are already many regulations and legal codes that are technology neutral in nature, and thus broad enough to apply to AI, but it is worth evaluating if there are gaps in the context of specific concrete problems. Any gaps identified should be addressed via practical, principles-based rules which build on existing legislation, so as to avoid creating overly complex or connecting legal obligations 41:6 p 11 in F528943-Google_s_submission_to_EC_AI_consultation__3_.pdf
Questionnaire:	Current legislation may have some gaps

Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	A clear and widely understood definition of AI will be a critical foundational element for an executive AI regulatory framework. Google acknowledges the challenge in caring for an acceptable definition that remains germane over time, particularly in light of the diverse opinions and lack of consensus among industry and academic experts. The White Paper describes the main elements that compose AI as “data” and “algorithms.” Such a broad framing effectively puts all contemporary software potentially in scope. A narrower de nition is needed to avoid over-regulation and to focus on the subcategory of AI systems where important policy issues are most likely to arise. 41:8 p 13 in F528943-Google_s_submission_to_EC_AI_consultation__3_.pdf Two possible definitions for AI are referenced in the White Paper: the first published by the Commission in its Communication on AI for Europe; and the second the subsequent, derivative refinement from the High-Level Expert Group. While Google believes that neither is ideal for legislative purposes, we would propose the following underlined alterations to the HLEG de nition. This narrows the focus to systems able to learn from experience, excluding traditional rule-based AI, and removes the reference to hardware, which cannot behave intelligently without so ware underpinning it: Artificial intelligence (AI) systems are software (and possibly also hardware) systems designed by humans that, given a complex goal, are taught by their designers or learn from experience how to act in the physical or digital dimension by perceiving their environment through data acquisition, interpreting the collected structured or unstructured data, reasoning on the knowledge, or processing the information, derived from this data and deciding the best action(s) to take to achieve the given goal. AI systems can either use symbolic rules or learn a numeric model, and they can also adapt their behavior by analyzing how the environment is affected by their previous actions. 41:10 p 14 in F528943-Google_s_submission_to_EC_AI_consultation__3_.pdf
Final:	Broad definition in line with international approaches
Score:	0
Policy Issue III: Risk-based approach	
Preference:	However, Google believes that the definition of high-risk AI applications proposed in the White Paper requires further clarification to ensure regulation is targeted at the right use cases, provides legal certainty and does not discourage the development of AI. Most crucially, it is important that a more proportionate, risk-based approach is taken: balancing potential harms with the many social and economic benefits promised by AI, and by more clearly acknowledging the opportunity costs of not using AI in a specific situation. 41:3 p 2 in F528943-Google_s_submission_to_EC_AI_consultation__3_.pdf The White Paper proposes that an AI application should be considered “high-risk” if both the sector and the specific intended use involve significant risk. While Google is supportive of the risk-based approach conceptually, as outlined by Google’s CEO Sundar Pichai4, a number of adjustments are needed to ensure that any potential regulation is targeted at the right use cases, provides adequate legal certainty, and does not discourage the responsible development and diffusion of AI. 41:11 p 14 in F528943-Google_s_submission_to_EC_AI_consultation__3_.pdf More nuance and proportionality should be added to the risk assessment criteria to make it easier for companies to understand when their technology may fall into this category. To do this, the Commission should better reflect well-established interpretations of risk, reflect wider operational context when assessing risk, and factor in the oppo unity cost of not using AI in the de nition. The “exceptional instances” clause is too open-ended and should be removed as it creates legal uncertainty. 41:12 p 14 in F528943-Google_s_submission_to_EC_AI_consultation__3_.pdf

Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F529840 - Equifax

Policy Issue I: Establishing a new regulatory framework	
Preference:	Clear guidelines from financial regulators and supervisors, such as the European Banking Authority (EBA), can mitigate risks while setting clear standards for firms to develop and deploy trustworthy AI. 42:3 p 1 in F529840-Consultation_on_the_White_Paper_on_Artificial_Intelligence_-_Equifax_supplementary_paper_14.6.20.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue II: Risk-based approach	
Preference:	We strongly support the White Paper position that credit risk is not listed as a high-risk application. No further legislation is needed to mitigate the risks of using AI in credit risk. 42:1 p 1 in F529840-Consultation_on_the_White_Paper_on_Artificial_Intelligence_-_Equifax_supplementary_paper_14.6.20.pdf We strongly support the position in the White Paper that credit risk is not listed as a high-risk application. Credit risk is a well-regulated sector already. Financial services firms have considerable experience of using advanced algorithmic models safely and effectively to make accurate and trustworthy decisions. Firms are typically using AI within those proven control frameworks which remain fit for purpose; as we are with NeuroDecision. 42:2 p 2 in F529840-Consultation_on_the_White_Paper_on_Artificial_Intelligence_-_Equifax_supplementary_paper_14.6.20.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F529854 - Palantir Technologies Inc.

Policy Issue I: Establishing a new regulatory framework	
Preference:	We welcome the European Commission's ("EC") commitment to a regulatory and investment-oriented approach with the twin objective of promoting the uptake of artificial intelligence ("AI") and addressing the risks associated with certain uses of this new technology. 43:1 p 1 in F529854-Palantir_Statement_on_EC_Consultations_on_AI.2020.pdf While the existing EU framework around data (particularly the GDPR and human rights mechanisms) may have certain gaps, its principle-based nature makes it fairly comprehensive. Thus, more than potential gaps, the concern is that the framework is not

	sufficiently translatable to be fully applied in practice. 43:2 p 4 in F529854-Palantir_Statement_on_EC_Consultations_on_AI.2020.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	The Commission is of the opinion that a given AI application should generally be considered high-risk in light of what is at stake, considering both the sector and the intended use. As a general comment to the question above, Palantir agrees that context matters enormously and is essential to determining whether specific types of information should be used in AI, and in some cases whether AI should be deployed for a given application in the first place. For example, it is one thing to seek to analyze whether sensitive categories such as race or gender linked to genetic attributes correlate with certain disease prevalences. It is quite another thing to seek an association between those same immutable personal attributes and one's likelihood to default on a loan. 43:3 p 5 in F529854-Palantir_Statement_on_EC_Consultations_on_AI.2020.pdf High-risk sectors and/or uses require particularly attentive handling of AI, as it is more likely that those AI models will include sensitive personal attributes that have real impact on people's lives. Therefore, if such sensitive categories are implicated in AI programs either by necessity or choice, their inclusion should be identified and, where appropriate, contextually justified in clear, accountable terms. 43:4 p 5 in F529854-Palantir_Statement_on_EC_Consultations_on_AI.2020.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F529971 - SANOFI

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-

Policy Issue III: Risk-based approach	
Preference:	A risk-based approach to AI is welcomed. A new EU regulation should only be pursued where procedural and control alignment and common standards are needed, i.e. for high risk applications in EU markets. A Regulation on high risk AI applications may well be the fastest way to establish a common ecosystem for AI to foster. However, care should be taken when intending to harmonize across sectors. 44:1 p 1 in F529971-Sanofi_comments_to_EC_Whitepaper_on_AI_-_June_11.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F529973 - TELENOR

Policy Issue I: Establishing a new regulatory framework	
Preference:	The European approach for AI aims to promote Europe's innovation capacity in the area of AI while supporting the development and uptake of ethical and trustworthy AI across the EU. According to this approach, AI should work for people and be a force for good in society. 45:1 p 1 in F529973-AI_White_Paper_public_consultation_Telenor.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue II: Risk-based approach	
Preference:	In our view, "high-risk" has not adequately been defined in the White Paper. The concept of risk can take various forms but we can as a minimum distinguish between the probability of a specific event and its potential impact. The definition of risk should also be linked to the gap analysis as discussed above. We would also suggest that the Commission define/list the principles of risk, those that are to be avoided and how these differ from risks identified elsewhere in legislation instead of focusing on certain 'high-risk' sectors. However, should the the Commission decide to commit to its suggested cumulative criteria of (1) 'high-risk' sectors and (2) 'high-risk' applications of AI in those sectors as set out in the White Paper we would suggest that criterion (2) requires further specification 45:2 p 10 in F529973-AI_White_Paper_public_consultation_Telenor.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F529980 - ORANGE

Policy Issue I: Establishing a new regulatory framework	
Preference:	Orange welcomes the European Commission's White Paper on Artificial Intelligence, which is based on a sound general approach where AI should not be subject to a specific

	framework and where existing regulations and frameworks should be adapted 46:1 p 1 in F529980-Orange_position_paper_EC_consultation_AI_White_Paper.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	The definition of AI needs to be narrowed, to avoid legal uncertainty, or unjustified extensions of the scope of regulation; 46:3 p 1 in F529980-Orange_position_paper_EC_consultation_AI_White_Paper.pdf Both the AI definitions proposed in the White Paper and by the AI High Level Expert Group are too broad. If adopted, they would cause legal uncertainty and trigger unjustified obligations for some developments. The AI definition should focus on data-driven algorithms based on machine learning and exclude all other software. The AI definition should exclude software systems based on determined algorithms and capture the fact that the AI-algorithm takes decisions as a consequence of the application of advanced analytical techniques (machine learning, deep learning and natural language processing) in combination with automation advanced feedback loops to solve problems. 46:4 p 2 in F529980-Orange_position_paper_EC_consultation_AI_White_Paper.pdf
Final:	Broad definition in line with international approaches
Score:	2
Policy Issue III: Risk-based approach	
Preference:	Orange supports the proposed risk based approach to address new AI liabilities and endorses the fact that only some high risk AI systems may need specific regulatory intervention. 46:2 p 1 in F529980-Orange_position_paper_EC_consultation_AI_White_Paper.pdf Orange supports the EC proposed risk-based approach to AI that includes an ex-ante conformity assessment targeted exclusively to potential high-risk applications. However, some clarifications regarding the assessment of these applications are needed. The risk-based approach should not hinder the great benefits of AI applications, and hamper research and investments. Moreover, the proposed double criterion consisting in a combination of relevant sectors and use-cases within a specific sector for defining high-risk AI systems should be further detailed. In particular, the periodical review by the EC of the list of 'high-risk' sectors may lead to legal uncertainty. It should be based on complementary criterion targeting the eventual impact on affected parties. Finally, the liabilities of providers (producers, integrators operating the AI run, traders) of AI-enabled B2B solutions to high risk sectors should be better clarified. 46:5 p 2 in F529980-Orange_position_paper_EC_consultation_AI_White_Paper.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530020 - MASTERCARD
submitted two documents: first, reacts only to international cooperation and mandatory requirements; second, suggest alternative models to foster compliance and a normative framework to address AI

Policy Issue I: Establishing a new regulatory framework	
Preference:	Mastercard welcomes the efforts made by the European Commission to develop a normative framework which ensures trustworthy AI and benefits European people and society. As a digital leader in the payments ecosystem that keeps data ethics at the heart

	of its approach to innovation 48:1 p 1 in F530020-Mastercard_Towards_a_European_AI_Framework.pdf We therefore believe that the scope of application of any AI regulatory framework should be based on where the service involving AI is being delivered, ensuring that any services provided in the EU have to comply with similar rules, irrespective of whether an AI model, algorithm, service or product has been developed in the EU or in a third country. 47:1 p 1 in F530020-Mastercard_Response_to_the_EU_Commission_AI_White_Paper.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	A normative AI framework should take into account existing laws and regulations and must be based on the following key principles: human centered (...), transparency (...), fairness (...), accountability (...) 48:2 p 1 in F530020-Mastercard_Towards_a_European_AI_Framework.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	0

F530033 - INSTEA SANPAOLO

Policy Issue I: Establishing a new regulatory framework	
Preference:	We support a technology-neutral and activity-based approach to regulation. Any other measures will have a negative impact on the AI adoption in Europe. 50:2 p 2 in F530033-Intesa_Sanpaolo_response_-_AI_White_Paper_-_June_2020_Def.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	AI Definition: while we appreciate the fact that the European Commission White Paper on AI makes explicit reference to the importance of both data and algorithms in AI definition, it is not clear whether the cited High-Level Expert Group (HLEG) refinement of the European Commission definition of AI is the one that will be considered valid for the scope of the document and its further developments. In general, we support the HLEG definition of AI, with the remark that it may be too specific in referring explicitly to “actions” taken by AI systems: a large part of what is widely recognized to be AI is composed by data-learning algorithms that output a prediction/valuation, without actually “acting” in any sense (neither physical nor virtual) It may well be that excluding these type of algorithms is a precise intent of the European Commission White Paper, but if

	this is the case then it should be further clarified. 50:1 p 2 in F530033-Intesa_Sanpaolo_response_-_AI_White_Paper_-_June_2020_Def.pdf
Final:	Broad definition in line with international approaches
Score:	1
Policy Issue III: Risk-based approach	
Preference:	High-risk sectors and applications: we believe more clarity about the criteria to determine high-risk sectors and applications is needed. In this respect, we acknowledge and support a focus on safety and physical integrity as the highest types of risk to be faced. Moreover, we encourage to consider existing regulations in order to avoid duplications (for example, the financial sector is already subject to several obligations that can embrace AI technologies risks as well). As a final remark, we encourage the Commission to carefully consider that sector-wise requirements may incur in unwanted distortions when the same services are offered by companies both in the designated sector and outside that sector (and/or the EU). The Commission should prevent from the risk of unintended regulatory arbitrage and unlevel playing field 50:3 p 2 in F530033-Intesa_Sanpaolo_response_-_AI_White_Paper_-_June_2020_Def.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530057 - RELX

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	Definition of AI: AI is a broad discipline, made up of a collection of different technologies, and has various definitions. These tend to be extensive, covering a range of technical approaches including machine learning, natural language processing and text & data mining, among other techniques. The AI debate is global, and as national governments and international organisations have started adopting varying definitions for AI it would be helpful if there was an attempt to find agreement on a universal definition. We welcome the EU High Level Expert Working Group definition of AI 51:1 p 1 in F530057-20200611_RELX_AI_Position_Paper_Final.pdf
Final:	Broad definition in line with international approaches
Score:	2
Policy Issue III: Risk-based approach	
Preference:	RELX fully agrees with the Commission that the regulatory approach to AI should be risk-based and that the higher-risk AI applications should attract stricter requirements. In all cases it is also important to take into account the potential benefits of the application and ensure that these are not undermined by over-regulation. We welcome the Commission's proposal to create a process for determining which AI applications should be considered high-risk. In order to fully consider what process to adopt to define high-

	risk, due consideration must be given to the broader process of regulatory oversight that would be involved. We believe that the determination of risk should be undertaken by the companies developing and deploying the AI solution themselves, rather than by an external regulatory body. The regulator's role should be to assist companies in making their assessments, to act as a reporting center in the event of concerns or failures, and to periodically audit and review self-assessment procedures. This approach mirrors the role of Data Protection Authorities with regards to companies' responsibilities under GDPR and works well. We believe this approach is better than one in which a regulator performs an ex ante assessment. We are concerned that this would be overly prescriptive, prevent the suitable inclusion of context, avoid any discussion of the benefits an AI application might bring, risking the widespread adoption of AI and therefore the positive outcomes as a result. This would also be an enormous regulatory challenge for whichever organisation was tasked with approving all AI applications, even if they were restricted to a limited number of sectors. The GDPR model has much to commend it. The introduction of Data Protection Impact Assessments (DPIA) has led to a voluntary change in the way organisations think about data protection, fully incorporating it into their governance and accountability structures. We believe such an approach can have the same benefits for AI applications. Of course, DPIAs only deal with privacy concerns, however the principle of DPIAs can also be applied to other issues, such as safety. This would maintain the current, and effective, system of self-assessment and organizational accountability that has been so successful under GDPR, while also addressing the non-privacy concerns involved. Similarly, we can look to GDPR for determining at what level an application becomes high-risk. GDPR's Article 22 introduces the concept of high risk, where processing of personal data can have a legal of similarly significant effect on a data subject. The fact that this already exists would help organisations operationalise new AI requirements as this test for high-risk is already known. RELX would also like to highlight the fact that ultimately it is the specific context of an AI application that determines whether it is high-risk. The same AI application could be deployed in two different contexts and have two very different results, with different levels of risks attached. We would urge the Commission to seek to ensure that context is at the heart of the system to define high-risk. Finally, in the Commission's White Paper there is an additional criterion, beyond the main proposal, for considering certain applications to be high-risk. This would provide regulators with the ability and power to designate any AI application as high-risk at will. RELX believes this is far too broad, lacks legal certainty and could result in significant lack of clarity for organisations. It also undermines the Commission's view that a sector-based approach is beneficial. 51:2 pp 4 – 5 in F530057-20200611_RELX_AI_Position_Paper_Final.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530068 - SIEMENS HEALTHINEERS AG
reacts only to system of excellence and data related concerns, special focus on public-private relationship

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-

Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	We are concerned that the discussion has been focused on risks rather than the potentials of using AI. We believe we should rather focus on the benefits of using AI compared to not using it. The assertions in the question need to be contextualized. 52:1 p 2 in F530068-Consultation_on_AI_Strategy_-_SHS_annex_I.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	0

F530081 - EUROPEAN PAYMENTS INSTITUTIONS FEDERATION (EPIF)
didnt provide reaction to policy issues

Policy Issue I: Establishing a new regulatory framework	
Preference:	Provide regulatory clarity: EPIF expects AI to be increasingly present in the FinTech sector and a regulatory framework is required to apply these tools responsibly, consistent with our mandate to safeguard consumers against financial crime. EPIF members would also like to caution against algorithmic transparency insofar as it would endanger trade secrets and infringe intellectual property, which is particularly relevant when it comes to the principle of explainable AI. To support the development of AI, any new AI regulatory initiative should be principles based, and harmonize the requirements across Member States. 53:1 p 3 in F530081-EPIF_response_to_Commission_Consultation_on_White_paper_on_AI.pdf
Questionnaire:	-
Final:	There is new legislation
Score:	-
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F530086 - CSC IT CENTER FOR SCIENCE LTD.

Policy Issue I: Establishing a new regulatory framework	
Preference:	In addition, it must be examined whether all the existing legislation is coherent and fit for purpose. One piece of existing legislation requiring prompt revision is the Digital Single Market (copyright) directive 54:3 p 3 in F530086-CSC_Position_Paper_AI_White_Paper.pdf

Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	The Commission should not impose any unnecessary regulatory burden upon AI applications, if it is not absolutely necessary in order to protect personal integrity and privacy 54:2 p 3 in F530086-CSC_Position_Paper_AI_White_Paper.pdf The need for and possible consequences of any new legislation must be carefully analyzed1. CSC supports the risk-based approach presented in the White Paper but notes that the details of its implementation require careful consideration. For example, the definition of high-risk applications must be flexible enough in order to not label entire sectors high-risk and to be able to take into consideration the rapid development of the technology and its applications. 54:1 p 2 in F530086-CSC_Position_Paper_AI_White_Paper.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530104 - INGKA GROUP / IKEA

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	The future EU rules for AI should rely on a more precise definition of 'Artificial Intelligence'. AI can be understood as a specific type of algorithms, a set of models implemented in computers that learn from data and interactions with their environment to make decisions and inferences. It excludes traditional statistical models and human-defined logic flows. A specific and targeted definition of Artificial Intelligence will foster trust among society, and secure the legal certainty needed for businesses to innovate in the European Union. 56:1 pp 2 – 3 in F530104-2020.06_COM_AI_White_Paper_Open_Statement_Ingka_Group.pdf
Final:	Broad definition in line with international approaches
Score:	0
Policy Issue III: Risk-based approach	

Preference:	Whether Artificial Intelligence is deemed 'high risk' should be equally based on the type of AI application being used (i.e., likelihood and magnitude of adverse outcomes) and on sectoral use. Applications only aiming at improving business processes do not have the same implications for people and society than AI-fuelled autonomous driving solutions for instance. A balanced application-and-sector-based approach would enable businesses to pay particular attention to potentially vulnerable people (those traditionally at risk of exclusion), secure proportional requirements across sectors and support innovation. 'High-risk' applications should be assessed based on their intended use, i.e., on whether they will be used for (i) internal business processes, (ii) consumer-facing use, (iii) decision tools, and (iv) physical use that presents safety risks including harm to human body. 56:2 p 3 in F530104-2020.06_COM_AI_White_Paper_Open_Statement_Ingka_Group.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530108 - ADOBE

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	Adobe agrees with the need to clearly define AI for future policy-making initiatives: As outlined in the White Paper on AI, it will be crucial for the EU to determine the scope of the application for a future regulatory framework. To achieve this, we agree that in any new legal instrument, the definition of AI will need to be "sufficiently flexible to accommodate technical progress while being precise enough to provide the necessary legal certainty" (p. 17). We therefore welcome the Commission's efforts to develop a working definition of AI in its "Communication on AI for Europe" and further refining it via the work of the High-Level Expert Group on AI. Definitions of AI can often describe specific use-cases of AI, rather than providing an overarching definition. In addition, the term "AI" is sometimes conflated with "Machine Learning" and "Deep Learning," both of which are subcategories within AI and describe a particular type of AI. For example, while all machine learning systems can be categorized as AI, not all AI utilise machine learning. It is also important as the field of AI expands that any definition of AI continues to be relevant. Adobe worked with its engineers and researchers to develop its own definitions of AI, Machine Learning, and Deep Learning, which may be useful for the Commission to see how industry players define the terms when reviewing and adopting future iterations of AI definitions. Our definitions are as follows: The term "artificial intelligence" means a replication of human-like intelligence in a computer system made of computer software and/or physical hardware, where the system is capable of perceiving its environment, defining a course of action, and/or solving a task requiring knowledge, inference, reasoning, planning, learning, and language, through execution of a set of algorithms, including machine learning, to perform under varying and/or unpredictable circumstances. The term "machine learning" means an execution of one or more algorithms to perform a specific task, by ingesting data, learning from the data, and improving performance of the task based on the learning. The term "deep learning" means a particular type of machine learning the utilizes neural networks. 57:1 p 2 in F530108-Adobe_-_EU_AI_consultation_response_FINAL_June_2020.pdf

Final:	Broad definition in line with international approaches
Score:	1
Policy Issue III: Risk-based approach	
Preference	Adobe welcomes the EU's risk-based approach to develop a framework for AI: We support the Commission's view that regulatory intervention on AI should be proportionate and that a horizontal framework should aim to "achieve its objectives while not being excessively prescriptive so that it could create a disproportionate burden" (p. 18). It is crucial to avoid overregulation at these early stages, so that companies can invest and experiment in AI to deliver the best results both for the European economy and the wider society. Adobe agrees that while AI has a wide range of benefits, the use of AI can also be associated to a set of risks, in particular concerning "the application of rules designed to protect fundamental rights (including personal data and privacy protection and non-discrimination), as well as safety and liability-related issues" (p. 11). Consequently, we welcome the Commission's decision to follow a risk-based approach rooted in existing EU law. As stated in the White Paper, this approach will necessitate "clear criteria to differentiate between the different AI applications, in particular in relation to the question whether or not they are 'high-risk'" (p.17). Ensuring that the definitions and criteria used to determine that the concept of 'high risk' are precise will be critical. This applies not only to the cumulative criteria set out in the White Paper, but equally to the additional category of "exceptional instances where, due to the risks at stake, the use of AI applications for certain purposes is to be considered as high-risk as such" (p.18). If these 'exceptional circumstances' are left open-ended and are not precisely defined, it will negate the effectiveness of constructively defining the two cumulative criteria which will in turn lead to uncertainty in implementation. Therefore, this needs careful consideration and to be addressed before the implementation of a risk-based approach. 57:2 p 2 in F530108-Adobe_-_EU_AI_consultation_response_FINAL_June_2020.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530113 - DELOITTE

Policy Issue I: Establishing a new regulatory framework	
Preference:	We welcome the European Commission's twin objectives of promoting the uptake of AI and addressing the risks that the technology may present. We support the EC´s twofold approach to create an ecosystem of excellence and an ecosystem of trust, recognizing that the two are connected. 58:1 p 1 in F530113-EC_consultation_AI_Whitepaper_-_Deloitte_cover_letter.pdf
Questionnaire:	There is need for new legislation
Final:	There is new legislation
Score:	2
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	

Preference	We recommend that EU regulations for high-risk applications should include a mandatory annual assessment of each installation and that records should be kept for at least five years. 58:2 p 3 in F530113-EC_consultation_AI_Whitepaper_-_Deloitte_cover_letter.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530116 - FUJITSU

Policy Issue I: Establishing a new regulatory framework	
Preference:	Fujitsu would like to stress the importance of balancing innovation and regulation in order to realize the benefits of an advanced and reliable data-driven society, while also ensuring global regulatory harmonization that avoids unnecessary fragmentation. We called it an “AI legislative comfort zone”. One of the main reasons for AI solutions not being developed in Europe is the lack of clarity about what is possible to do and what is not. This is blocking lot of business discussions with both public and private customers that appreciate the benefit of AI solutions to solve their problems but prefer not to take risks related to regulation compliance. In this sense, GDPR is recognized as an important framework for privacy and security for personal data of European citizens becoming a reference in many other Countries. In the second year of implementation of this important regulation, we ask the European Commission to examine how it can improve the adoption of new AI solutions in Europe alongside other legislation and without creating barriers or competition gaps with solutions developed in other regions. This should be done in partnership with EDPB, national and international Data Protection Authorities in order to promote consistency and harmonization. 59:1 p 2 in F530116-AI_White_Paper_Consultation_Fujitsu_FINAL.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	Risk based approach: We support the Commission's proposal to prioritize high-risk AI applications following a risk-based approach to address concerns about the use of AI. The assessment of "high risk" should be based on the existing discussions and definitions of "risks" in international standardization organizations. For sectors, such as healthcare and mobility existing sector regulations should be reviewed rather than developing new horizontal legislation for AI. The requirements for high-risk AI applications proposed in the European Commission White Paper (quality of training data sets, the keeping of records and data, information on the purpose and the nature of AI system, robustness and accuracy of AI systems and human oversight) are crucial to the realization of trustworthy AI. However, it is currently very difficult guaranteeing this on a technical basis. We suggest applying these requirements at a reasonable level using a step-by-step approach based on a shared road map including timeframe and threshold of requirements agreed with experts. It is desirable that such a roadmap and threshold should not be unique to the EU, but that the

	Commission takes leadership for global coordination and harmonization. 59:2 p 3 in F530116-AI_White_Paper_Consultation_Fujitsu_FINAL.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530118 - ZALANDO SE

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	A risk-based approach to AI regulation adequately reflects applied AI research. Zalando supports a risk-based approach for regulating AI. Differentiating between low-risk, high-risk and "extremely high-risk" AI use cases would ensure the proportionality of the EU's approach. Compared to low-risk applications (such as the examples above), rules for the development and use of high-risk applications could alleviate specific concerns, such as risks to safety, risks to life and limb, or risks of discriminatory outcomes, for example when AI is linked to access to a public service. The work of the EU High Level Expert Group on AI is very useful to explore specific sectors. To identify high-risk cases, we believe a combination of sectors, specific AI use cases and cross-sectoral qualitative criteria would be appropriate. 60:1 p 2 in F530118-Zalando_-_Addendum_to_AI_public_consultation_June_2020.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530124 - PHILIPS

didn't react to the policy issues

Policy Issue I: Establishing a new regulatory framework	
Preference:	A European Health Data Space would be an important requisite for the development and roll-out of AI-enabled medical solutions and services to patients across Europe. 61:1 p 1 in F530124-Accompanying_document_AI_White_Paper_consultation.pdf We encourage governments to align AI related policies. Regulatory fragmentation hampers access to data, creates diversity in data governance leading to quality of data issues and introduces market access hurdles when for instance an algorithm does not comply with national regulations for responsible use of AI. 61:2 p 1 in F530124-Accompanying_document_AI_White_Paper_consultation.pdf
Questionnaire:	Current legislation is fully sufficient

Final:	There is new legislation
Score:	0 Current legislation is fully sufficient
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F530173 - VISA EUROPE

Policy Issue I: Establishing a new regulatory framework	
Preference:	As discussed above, public trust is built through consistent positive consumer experience of the use of AI driving outcomes that uphold fundamental rights and deliver benefits. Visa therefore believes that maintaining a focus on outcomes will incentivise companies to place impact on consumers at the heart of their approaches to AI, rather than setting the bar at compliance with legal process. 63:6 p 8 in F530173-Visa_submission_to_AI_White_paper_Consultation_12062020.pdf We agree with the Commission that much of the existing legislation (in the areas listed above and others) can be applied or adapted to apply to AI. We understand that this approach would be the most efficient route to effective outcomes in many cases, supporting European competitiveness by avoiding the imposition of undue regulatory burden for businesses investing and innovating in Europe. We believe this route is likely to be sufficient to address many potential harms. A holistic review of sectoral regulation should be undertaken for this purpose, as a pre-requisite to the introduction of any new rules. 63:7 pp 8 – 9 in F530173-Visa_submission_to_AI_White_paper_Consultation_12062020.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	New regulatory frameworks must deliver an appropriate degree of legal certainty over what applications will fall under the new rules. However, an overarching legal definition of AI constitutes an ongoing challenge for academia and policymakers, with a significant diversity of views, in particular around how broad or narrow this definition should be. It is important for legal certainty that some definition be provided. The long-running debate around this issue, however, is indicative of the complexity of attempting to define AI. The definition proposed by the HLEG is an example of a broad conceptualisation of AI. General definitions present issues in several regards. The general principle behind broad definitions is to 'future proof' against technology evolution. This is certainly important, however given the very large number of proposed interpretations of AI (past, present and future), a definition broad enough to accommodate all of these risks becoming

	ineffective. A more tailored definition is therefore more useful, so long as the regulation allows flexibility and agility for the definition to evolve along with the technology. There exists already today extensive, long-running use of many well-established modeling techniques for a multitude of purposes. Overly broad definitions risk encompassing such a wide range of use cases as to result in regulation of impractical scope, as well as cases where regulation is inefficient, ineffective, or unsuitable. This would pose a significant disincentive to innovation and investment. Moreover, many less complex, already widely used models do not present the same risks or harms as cutting-edge AI systems, which may require greater scrutiny and governance. It is therefore necessary for industry and policymakers to work together to determine which techniques are characterised by a degree of complexity, or other distinguishing technical feature, that merits increased governance. Traditional software and systems, incorporating hard-coded predictable rules, is very different to cutting-edge AI designed to operate and react like humans by ingesting data and adapting its learnings with an increasing degree of autonomy 63:1 pp 6 – 7 in F530173-Visa_submission_to_AI_White_paper_Consultation_12062020.pdf
Final:	Broad definition in line with international approaches
Score:	0
Policy Issue III: Risk-based approach	
Preference:	Visa agrees that risk should be a critical delineator for regulators in defining the scope of new regulation and that high-risk applications merit a higher degree of scrutiny than low-risk use cases. We believe the proposals in the White Paper go some way toward establishing a sensible approach in this respect; however, we would urge caution in several respects 63:2 p 11 in F530173-Visa_submission_to_AI_White_paper_Consultation_12062020.pdf Firstly, a risk-based approach depends on risk being attributed in an accurate, effective manner to the various use cases. The Commission's current proposal is for a cumulative two-tiered approach based on: a) identified high-risk sectors; and b) an application of AI in which significant risks are likely to arise. This will certainly be helpful to ensure new regulation is targeted toward sectors and use cases where it is most required. However, a model which is technically capable of causing significant harm may be highly likely to do so in one use case, and almost entirely unlikely to do so in another. As a result, the two-stage test on its own may lead to an overly broad spectrum of cases that qualify as high-risk. 63:3 p 11 in F530173-Visa_submission_to_AI_White_paper_Consultation_12062020.pdf However, to address the issues above, Visa would suggest 'likelihood' be made explicit as third discrete criteria to be evaluated separately from the severity of harm. The three criteria would thus be: a) sector; b) significance or severity; c) likelihood of risk. It should be noted that there are several categories of risk used by risk professionals and it will be significantly easier for both companies are regulators if there is alignment between new legal language and established industry terminology. 63:5 p 11 in F530173-Visa_submission_to_AI_White_paper_Consultation_12062020.pdf Secondly, we are concerned that too broad a categorisation of high-risk, combined with overly rigid and onerous new requirements, could act as a headwind to investment and innovation, and potentially place the EU at a global disadvantage 63:4 p 11 in F530173-Visa_submission_to_AI_White_paper_Consultation_12062020.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530188 - ATOS SE
only answers to the questionnaire uploaded again

Policy Issue I: Establishing a new regulatory framework

Preference:	-
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F530196 - GETTY IMAGES (UK) LTD

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	Getty Images supports the approach to determine “high-risk” applications outlined in Section 5.C of the White Paper and agrees that such determination should be clear and easily understandable. However, the initial discussion of the sectors that should be covered seems overly limited and underestimates the areas where AI can cause irreparable harm. When developing an explicit list of high-risk applications, the legislators should apply the approach more broadly. In the context of IP rights, if the proposed approach is applied, AI applications where the output is synthetic content meet the two cumulative criteria and should be considered “high-risk”. In regard to the first proposed criteria, in the creative industries there is a significant risk that the output of AI applications could devalue or even displace the work of human creators by producing synthetic content for low cost and at scale without due regard to underlying rights. Second, considering that such applications must be trained and tested using underlying data, the output should be considered a derivative of that data. If such data is protected by copyright, respect for which is a fundamental right, authorization of the copyright holders

	is therefore required unless permitted by an exception to the law. Without clear limits or obligations in place, the creative industries, including the high density of SMEs within, will face irreparable harm. 65:1 p 6 in F530196-Getty_Images_-_Response_to_EU_Consulation_on_AI_White_Paper.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530198 - WORKDAY INC

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	Workday has long recognized the need for a risk-based approach to AI and ML regulation, and thus welcomes the risk-based proposal outlined in the White Paper. Although there are general principles that should apply across all AI use cases (e.g., machine learning and AI should be developed and deployed in ways that respect human dignity and rights), regulatory approaches to AI should recognize that not all AI implementations share the same impact and risk profiles. Some AI applications will pose greater risks to individuals and should be regulated as such; however, for AI applications that pose little to no risk to individuals, that same level of regulation could chill innovation and unnecessarily divert limited resources. While Workday supports the White Paper's two-pronged approach to determining "high-risk" applications of AI, the Commission should not designate specific applications of AI to be "high-risk as such" (p. 18). 66:1 p 4 in F530198-Workday_AI_White_Paper_Consultation_Response.pdf Workday supports Commission's position that only a cumulative analysis of the two-pronged criteria is sufficient to classify an AI application as "high-risk". In other words, an AI application is only considered "high-risk" and subject to the commensurate legal requirements if it is both deployed in a high-risk sector, and involves a high-risk use. As the White Paper notes, the cumulative nature of this test ensures that regulation appropriately addresses high-risk AI applications without chilling innovation. However, Workday does not support the White Paper's assertion that, in exceptional instances, certain uses of AI applications should be considered "high-risk as such," irrespective of the sector in which they are deployed (p. 18). A per se approach to AI regulation is unnecessary: the two-pronged risk analysis should account for all AI applications, including those sectors and uses that pose significantly higher risk. Risk is fundamentally a sliding scale, and the use of AI makes it no different. Absent the Commission identifying gaps in the two-pronged framework that would make it unable to account for high-risk AI, it should err against redundancy and prioritize a single risk assessment approach for all AI applications. 66:3 p 5 in F530198-Workday_AI_White_Paper_Consultation_Response.pdf

Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530212 - MICROSOFT CORPORATION

Policy Issue I: Establishing a new regulatory framework	
Preference:	We thus offer these comments not because we oppose AI regulation, but rather to aid the Commission in the difficult task of assessing where regulation might be most appropriate and how best to regulate consistent with European values. 67:2 p 3 in F530212-Microsoft_Response_-_EC_White_Paper_on_AI_June_2020__small_file_.pdf Leverage existing laws and regulatory frameworks: The EU already has an extensive regulatory framework covering safety, security, consumer protection, fundamental rights, and other important interests. These laws apply equally to AI-powered products and services. Indeed, some of these laws specifically take into account risks that may be associated with AI (e.g., the General Data Protection Regulation's ("GDPR") rules on automated individual decision-making and processing of "special category" data). There may be certain types of AI systems and applications that raise risks that are so truly unique that existing EU laws might not address them. As discussed in more detail below, Microsoft believes that the use of facial recognition systems by the public sector for consequential uses—and in particular their use in public spaces — is one example, but others may exist as well. Absent clear evidence of gaps in the current EU regulatory acquis, however, policymakers should rely on existing laws to the extent possible — and augment them with guidelines or other refinements where appropriate — rather than to adopt wholly new regulatory frameworks and obligations on top of them. Duplicative and overlapping requirements will add complexity and impose regulatory burdens without any clear corresponding benefit for individuals or society. At the same time, where new requirements are needed they should be adopted. 67:5 p 6 in F530212-Microsoft_Response_-_EC_White_Paper_on_AI_June_2020__small_file_.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	The term "artificial intelligence" can be, and often is, used to describe a vast array of technologies, including methods that perform computer-based perception, learning, and reasoning. These technologies can be used separately or combined to yield systems that perceive, classify, predict, or otherwise reason in an automated or autonomous manner, and can be used in a nearly infinite range of scenarios. We agree that any future regulatory framework should apply to both the development and deployment of systems that use AI. But what is "AI" for purposes of the Commission's proposal? Consistent with the Commission's goal of carefully focusing regulatory mandates on high-risk scenarios, it will be crucial to define what technologies constitute "AI" for the purpose of this framework. Doing so is imperative to enabling regulated actors to understand whether their products and services fall within scope. Without a clear definition, the application and enforcement of any regulation will be both difficult and ineffective. 67:6 p 7 in F530212-Microsoft_Response_-_EC_White_Paper_on_AI_June_2020__small_file_.pdf Adopt a clear definition of AI; 67:3 p 3 in F530212-Microsoft_Response_-_EC_White_Paper_on_AI_June_2020__small_file_.pdf
Final:	Broad definition in line with international approaches
Score:	1

Policy Issue III: Risk-based approach	
Preference:	Microsoft strongly supports the Commission's conclusion that any AI regulatory framework "should follow a risk-based approach" (p. 17). As the White Paper notes, such an approach "is important to help ensure that the regulatory intervention is appropriate" (id.). Although the White Paper identifies many different kinds of risks that might arise with regard to AI (pp. 10-16), it does not articulate 67:7 p 7 in F530212-Microsoft_Response_-_EC_White_Paper_on_AI_June_2020__small_file_.pdf a clear definition of "risk." Because the concept of risk is so central to the Commission's approach, and in some sense forms the policy foundation—the "why we are regulating"—to the proposed framework, we would encourage the Commission to ensure that any final legislative proposal explicitly defines the concept of risk. Further, this definition must be sufficiently holistic to capture the full range of considerations that arise in the context of use of AI. 67:8 p 7 in F530212-Microsoft_Response_-_EC_White_Paper_on_AI_June_2020__small_file_.pdf As the White Paper notes, it will be important for any final regulation to exhaustively list the covered sectors so that regulated actors can know whether they fall within scope. It is noteworthy that several of the sectors listed in the White Paper—healthcare, transport, and energy—are already subject to extensive sectoral safety and related regulation. For instance, the Medical Devices Regulation already covers medical devices that incorporate software, including AI- powered medical devices. Rather than create a new horizontal AI regulation that applies to them on top of these existing rules (for similar categories of risks), we urge the Commission to consider whether it would be more efficient and effective to extend those existing rules to cover new types of risks that AI might present in relation to the same safety risks. 67:9 p 8 in F530212-Microsoft_Response_-_EC_White_Paper_on_AI_June_2020__small_file_.pdf Adopt a differentiated and holistic conception of risk; 67:4 p 3 in F530212-Microsoft_Response_-_EC_White_Paper_on_AI_June_2020__small_file_.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530234 - AVIVA

Policy Issue I: Establishing a new regulatory framework	
Preference:	As such, we welcome the approach set out in the White Paper to look at whether existing legislation adequately addresses the risks created by AI. 68:3 p 1 in F530234-EU_AIWhitePaper_AvivaAdditionalResponse_13Jun2020.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	What is referred to as "AI" is in fact a collection of different technologies and techniques. Each type of technology or technique is part of a process that leads to an outcome whether that be a product recommendation, a price or a decision on whether to accept a claim. We have different legislative frameworks to respond to these different outcomes in different contexts and believe frameworks should continue to be bespoke to the outcome that those techniques and technologies are trying to lead to regardless of the type of technology or technique used in the process. 68:1 p 1 in F530234-EU_AIWhitePaper_AvivaAdditionalResponse_13Jun2020.pdf
Final:	Broad definition in line with international approaches

Score:	-
Policy Issue III: Risk-based approach	
Preference:	A focus on sector and application of AI technologies which ensures a coordinated and consistent approach with existing requirements will be key to ensuring effective review. If any gaps are identified, making adjustments and updating existing legislation is a sensible approach. 68:2 p 1 in F530234-EU_AIWhitePaper_AvivaAdditionalResponse_13Jun2020.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530235 - AUTODESK, INC.
only provides expertise on how AI will affect the high-performance car industry

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Current legislation is fully sufficient
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F530240 - TWILIO INC

Policy Issue I: Establishing a new regulatory framework	
Preference:	We recommend that the EU work to encourage the adoption of AI as part of Europe's digital transformation, propose new legislation only when necessary to address identified gaps in current law, and produce clear liability frameworks that recognize the role of contract law and established principles for consumer redress. 70:1 p 3 in F530240-Twilio_Submission_EU_White_Paper_on_AI.pdf In order to ensure predictability for businesses already familiar with these legal regimes, we recommend that regulation, if any, should focus on identified, clear gaps in the existing legal environment. To this end, we support leveraging and ensuring consistency with existing EU rules such as the Product Liability Directive and the Product Safety Directive. AI-specific legislation risks creating overlapping obligations or differential impacts on different types of technology, particularly when it comes to national implementation. This outcome would not provide consumers or businesses with legal

	certainty when it comes to the use of AI or create an enabling environment for the uptake of AI. 70:4 p 4 in F530240-Twilio_Submission_EU_White_Paper_on_AI.pdf Any Legislation on AI should address identified gaps in the current legal framework. 70:2 p 3 in F530240-Twilio_Submission_EU_White_Paper_on_AI.pdf
Questionnaire:	Current legislation is fully sufficient
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	As the White Paper rightly notes, the existing body of EU law already applies to AI. 70:3 p 4 in F530240-Twilio_Submission_EU_White_Paper_on_AI.pdf harms caused by uses of AI systems is rightfully a key consideration in discussions of AI policy 70:5 p 4 in F530240-Twilio_Submission_EU_White_Paper_on_AI.pdf We welcome risk-based approaches to AI and encourage policy makers to consider the full context and the purpose of the AI system as they develop approaches to evaluating this risk. 70:6 p 5 in F530240-Twilio_Submission_EU_White_Paper_on_AI.pdf Accordingly, we welcome a regulatory distinction proposed in the White Paper between high risk and low risk applications of AI and support a nuanced approach that supports this distinction, including differentiation not just by sector or type of AI application but by context and use. AI encompasses a broad set of technologies and use cases. It is difficult to identify objectively "high- risk" applications without considering the context in which they are to be used. While AI-based services in the CPaaS space for example may be used by companies in high-risk sectors for certain customer relations functions, this use may not relate directly to the critical functions provided by that sector and would pose no greater dangers than a similar use in any other non-high risk sector. 70:7 p 5 in F530240-Twilio_Submission_EU_White_Paper_on_AI.pdf Since AI risks will be context-specific, it is best to use existing context-specific legislation rather than omnibus AI regulation, which may struggle to manage the broad range of AI deployment scenarios. When identifying high-risk uses and high-risk sectors for the use of AI, policy-makers should explicitly define the high-risk uses subject to regulation, and apply proportionate measures to maximize benefits and minimize harm. Regardless of sector, when AI is used in back office or administrative functions, where it does not present a high risk to consumers, there is little need to subject it to heightened standards such as conformity assessments or strict oversight. The White Paper recognizes that there will be low-risk AI systems used in high-risk sectors, which we welcome. Twilio recommends maintaining such a distinction and a context-based approach as more specific regulatory proposals are developed. 70:8 p 5 in F530240-Twilio_Submission_EU_White_Paper_on_AI.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530242 - AMAZON EUROPE

Policy Issue I: Establishing a new regulatory framework

Preference:	To best preserve the benefits of innovation, the EU should rely on existing legislations to the extent possible and create AI-specific regulation only to address specific, articulable harms that are not already addressed. The sensitive areas identified in the White Paper as having greatest potential harms (e.g., surveillance, medical diagnosis and treatment, autonomous vehicles) should be reviewed individually and accompanied with policy responses appropriate to the particular application of AI. 71:2 p 5 in F530242-Amazon_Coew_Sarl_Consultation_on_the_White_Paper_on_Artificial_Intelligence.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	We agree with the general approach that legislation should only apply to high-risk applications. It is critical that any regulation should be specific to the individual use case, and build on existing industry-specific legislation where applicable, to account for the specific-risks associated with the use case/industry. High risk applications should be specifically enumerated so there is no ambiguity over whether regulations may apply. 71:1 p 6 in F530242-Amazon_Coew_Sarl_Consultation_on_the_White_Paper_on_Artificial_Intelligence.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530250 - XPERI HOLD CORPORATION

Policy Issue I: Establishing a new regulatory framework	
Preference:	The concerns highlighted in the “Ecosystem of Trust” section of the Whitepaper are not unique to AI, but are relevant to almost any advanced technology that is used in a human-facing manner. The focus is also almost entirely on human-facing AI making decisions that can have an impact on fundamental rights. However, none of these are unique to AI, whatever that is meant to include. 72:4 p 5 in F530250-xperi-whitepaper-response_-FINAL.pdf
Questionnaire:	Current legislation is fully sufficient
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	The very broad and vague definition of AI does not, in our view, help either. 72:1 p 5 in F530250-xperi-whitepaper-response_-FINAL.pdf A challenge here, of course, is that AI is a very broad subject. It is, on the one hand, a set of technologies (e.g. machine learning, planning, knowledge representation, constraint

	programming, etc.) and also a technical objective (automate intelligence). 72:3 p 5 in F530250-xperi-whitepaper-response_-FINAL.pdf
Final:	Broad definition in line with international approaches
Score:	0
Policy Issue III: Risk-based approach	
Preference:	We do not believe that the positioning of AI in the whitepaper, with a primary focus on risk, dangers, and harmful effects, is the best way of supporting AI technologies in Europe. 72:2 p 5 in F530250-xperi-whitepaper-response_-FINAL.pdf The risk-based approach in the Whitepaper is, essentially, binary: high or low risk. There is no 'medium' risk. Labelling sectors with a specific risk level makes little technical sense, and going further into uses also seems problematic. It isn't just the binary nature of the risk, but also the specific applications regardless of broad market that's at issue. 72:5 p 6 in F530250-xperi-whitepaper-response_-FINAL.pdf Focus should be given to the purpose of an AI application, and the role that this has in the overall system. Specific extreme cases, such as lethal autonomous weapons, are called out, but these kinds of systems are rare exceptions. Note that the issue here is the intended purpose of the system, not sector/use. 72:6 p 6 in F530250-xperi-whitepaper-response_-FINAL.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	0

F530273 - BLACKBERRY LIMITED

Policy Issue I: Establishing a new regulatory framework	
Preference:	An "Effective" AI Policy Framework. BlackBerry agrees with the Commission's stated intent that "the new regulatory framework for AI should be effective to achieve its objectives while not being excessively prescriptive so that it could create a disproportionate burden." 73:1 p 2 in F530273-BlackBerry_-_Europe_AI_White_Paper_14_June_2020.pdf
Questionnaire:	-
Final:	There is new legislation
Score:	-
Policy Issue II: Defining AI	
Preference:	Definitions. BlackBerry is supportive of the concepts of human agency and oversight, technical robustness and safety, privacy and data governance, transparency, diversity, non-discrimination and fairness, societal and environmental well-being, and accountability. We are interested in future iterations and refinements of these concepts. Specifically, we welcome sharing our expertise from the AI security perspective as this important dialogue advances. 73:2 p 3 in F530273-BlackBerry_-_Europe_AI_White_Paper_14_June_2020.pdf
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	

Preference:	We applaud the Commission's decision to pursue a risk-based approach to AI governance. Indeed, overly burdensome regulatory frameworks that seek to mitigate or eliminate every potential risk are unrealistic and likely to hamper the development and deployment of beneficial AI solutions in Europe. A risk-based approach will be most effective in implementation if the scope of the AI framework or regulation is narrowly tailored to objectives and challenges that are not already covered by other existing regulations 73:3 p 2 in F530273-BlackBerry_-_Europe_AI_White_Paper_14_June_2020.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530288 - SALESFORCE

Policy Issue I: Establishing a new regulatory framework	
Preference:	Possible adjustments to existing EU legislative framework relating to: The European Commission identifies a number of regulations in the White Paper that are currently applicable to AI. We would encourage the Commission to undertake a thorough analysis of the existing rules and their effective application to the AI context (or any gaps therein), before suggesting additional regulation. Europe should avoid the "regulatory patchwork" phenomenon that threatens to create further confusion in the market and consequently delay the development and adoption of AI. Conversely, codifying existing rules into an "AI rulebook" and issuing relevant guidance would help all stakeholders have a clearer understanding of their rights and obligations. 74:2 p 4 in F530288-Salesforce_response_European_Commission_public_consultation_AI_White_Paper.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	We support the Commission's intention to focus any future regulatory action on high-risk applications of AI, taking into account the context in which the technology is used. Principles-based and future-proof legislation that leaves no room for uncertainty with regard to its interpretation should be the desired outcome. A clear and targeted definition of "high risk" will help achieve this outcome, as will a clear scoping of the specific context in which an AI application is used when assessments of risk are made. 74:1 p 2 in F530288-Salesforce_response_European_Commission_public_consultation_AI_White_Paper.pdf We support the Commission's focus on high-risk applications. We would also like to reiterate the importance of taking into account the specific context in which an AI application is used when making the assessment of what constitutes a high-risk application. For instance, in a B2B environment, the same application will be used in many different ways from different customers. Some of them will be higher risk than others. Therefore, the regulator should look at the specific use case when determining the level of the risk, rather than the technology solution.

	We support the two cumulative criteria for what constitutes a high-risk application as set out in the White Paper. However, we believe that this definition needs to be as tightly and clearly phrased as possible to prevent market confusion and legal uncertainty. We would also encourage the Commission to align the 2nd functional criterion to the Product Liability Directive, which applies to damage caused by death or personal injuries or caused to private property (as opposed to "risk of injury, death or significant material or immaterial damage" as phrased in the White Paper, which could increase legal uncertainty). A third criterion added to the definition of high-risk applications could be whether the application fully replaces human activity (in which case the application should be more closely scrutinised), compared to applications that simply help augment human capability and would likely create lower risk. For example, medical AI that double-checks an independently-formed physician's recommendations, and could raise a red flag, could be treated differently than AI that was meant to supplant a physician's recommendations. It is important to take into account the inherent risks in the status quo situation with no AI involvement, and whether the particular application of AI heightens these risks (either for individuals or the population), not merely whether "significant risks are likely to arise." 74:3 p 4 in F530288-Salesforce_response_European_Commission_public_consultation_AI_White_Paper.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530293 - PROSUS N.V.

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	While AI so far is basically "only" machine learning, its potential is nonetheless vast. 75:5 p 3 in F530293-Prosus_views_on_Artificial_Intelligence_-_A_European_approach_to_excellence_and_trust__Commission_consultation_response_14.06.2020_.pdf
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	

Preference:	The Commission should further refine its accountable, EU-level risk-based approach to AI policy, differentiating between sources and types of data, use-cases, models and sectors. 75:1 p 1 in F530293-Prosus_views_on_Artificial_Intelligence_-_A_European_approach_to_excellence_and_trust__Commission_consultation_response_14.06.2020_.pdf We agree with the Commission in its assessment that a targeted, risk-based approach to evaluating what regulatory enhancements are needed to address specific categories of applications is the right approach. Just as in data protection risk assessment – it is useful to identify the types of risks in AI that we are seeking to mitigate or prioritize, and then to map the available actions we can take to test whether they actually reduce the risk in a meaningful way. Put differently, each type of risk warrants its own risk mitigation strategy. Organizations that pursue accountable AI development processes understand and implement this methodology. Risks to individuals, to business and to society are all relevant in this assessment. In discussing risk assessment, the White Paper essentially contemplates a few threshold regulatory equations (WPAI pp. 17-18): Risky sector + significant risk application = targeted AI regulation Less risky sector + high risk application = targeted AI regulation Risky sector + less risky application = existing legislative framework Less risky sector + less risky application = existing legislative framework 75:3 p 8 in F530293-Prosus_views_on_Artificial_Intelligence_-_A_European_approach_to_excellence_and_trust__Commission_consultation_response_14.06.2020_.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530298 - HUAWEI TECHNOLOGIES
Note: submitted two documents

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	Uphold a specific, risk-based system for regulation 76:1 p 1 in F530298-HUAWEI_S_CONTRIBUTION_TO_AI_IN_EUROPE.pdf We strongly support the fundamental concept of basing regulatory requirements for AI application on an assessment of the degree of risk posed by an AI application. We agree with the approach to determine “high-risk” AI applications considering both the sectors and the use, and would like to know about the concrete definition and a list of specific “high-risk” applications at a granular level, which would bring legal clarity and certainty.

	77:2 p 6 in F530298-Huawei_s_Response_to_the_AI_White_Paper_Consultation_14_06_2020.pdf Regarding the process and criteria for assessing the risk level of an AI application, we acknowledge the intent behind the cumulative sectoral & intended use approach but consider the reliance on allocation of "high-risk sectors" to be extremely difficult to meaningfully implement in practice, as indicated by the examples of "exceptional instances" that were already given in the AI white paper. This problem is further complicated by the difficulty of establishing a useful application independent definition of AI. As an alternative, we would propose: AI application risk assessments that focus on intended use of the application and the type of impact the AI function has. E.g. does the intended use involve potential long term consequences? Doe the AI determine the output of the application in a way that makes it difficult for humans to assess if the outcome is correct? 77:3 p 7 in F530298-Huawei_s_Response_to_the_AI_White_Paper_Consultation_14_06_2020.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530310 - BLOOMBERG L.P.
Note: only submitted answers on AI concerns

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F530319 - IBM

Policy Issue I: Establishing a new regulatory framework	
Preference:	Even though much of it was written without having digital technologies explicitly in mind, the EU's existing legal framework already applies to AI applications, including for example, fundamental rights protections, the General Data Protection Regulation (GDPR), product safety, and consumer protection regulations. 79:4 p 5 in F530319-IBM_Submission_on_the_EC_AI_White_Paper.pdf However, the existing legal framework already addresses this issue, and we do not believe changes are required to address AI. Under the existing framework, if a product is changed significantly once placed on the market, the manufacturer must undertake a new

	risk assessment. 79:5 p 6 in F530319-IBM_Submission_on_the_EC_AI_White_Paper.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	For regulatory purposes the definition of AI systems needs to be narrow and clear, so that the focus is on those systems that cause serious concern and avoiding non-AI systems being inadvertently included. 79:2 p 3 in F530319-IBM_Submission_on_the_EC_AI_White_Paper.pdf We strongly agree with the Commission's view expressed in the White Paper that "the definition of AI will need to be sufficiently flexible to accommodate technical progress while being precise enough to provide the necessary legal certainty". Much work has been done, for example, by the EU High Level Expert Group and by ISO/IEC SC42 on defining AI and related terms for ethical and technical purposes, but for the regulatory context we suggest that an extension of the approach taken by the OECD might be suitable, for example: An AI system can be broadly defined as one that makes predictions, recommendations or decisions, influencing physical or virtual environments, and whose outputs or behaviours are not necessarily pre-determined by its developer. AI systems are typically trained with large quantities of structured or unstructured data, and may be designed to operate with varying levels of autonomy or none, to achieve human-defined objectives. ("Autonomy" means acting, physically or virtually, without human intervention or oversight.) This definition is intended to focus on the features most likely to distinguish AI from non-AI systems. However, given the dynamic nature of the field, it is not possible to come up with a perfectly-bounded definition – emphasizing the importance, for regulatory purposes, of focusing on specific use-cases and the risks associated with them. 79:6 p 8 in F530319-IBM_Submission_on_the_EC_AI_White_Paper.pdf For that reason, we believe the Commission should consider focusing any new regulation specifically on applications that depend on these machine learning approaches. 79:7 p 8 in F530319-IBM_Submission_on_the_EC_AI_White_Paper.pdf
Final:	Broad definition in line with international approaches
Score:	2
Policy Issue III: Risk-based approach	
Preference:	As the White Paper recognizes, an effective governance framework must first of all be risk-based, and it must seek to regulate not the technology itself but rather its uses. We strongly agree with this overall approach, and believe it is consistent with what we set out in our January 2020 policy paper on AI regulation, where we proposed that a risk-based governance framework for AI should be based on the pillars of accountability, transparency, fairness and security. 79:1 p 3 in F530319-IBM_Submission_on_the_EC_AI_White_Paper.pdf There should be a single risk assessment framework to identify high-risk applications regardless of sector, and without lists of exceptions. 79:3 p 3 in F530319-IBM_Submission_on_the_EC_AI_White_Paper.pdf We believe that the approach proposed in the White Paper, of explicitly listing sectors where high-risk applications might occur, would be problematic in practice. Since the technology is evolving rapidly and the application of AI becoming more and more pervasive, it is difficult to definitively rule out any sector from potentially having high-risk applications, and incorrect to assume that every use of AI in particular sector is high risk.

	It is likely that any explicit list of sectors will have to be frequently updated, leading to uncertainty and issues over the retrospective application of laws. 79:8 p 8 in F530319-IBM_Submission_on_the_EC_AI_White_Paper.pdf Instead, we believe that focusing solely on the second criterion proposed in the White Paper would be a more effective approach, provided that there is clarity about how risk is to be assessed. We suggest that the key factors to consider should be the degree to which human judgment and agency is replaced (autonomy) and the risk of negative impact of the application on human lives (severity and likelihood). 79:9 p 9 in F530319-IBM_Submission_on_the_EC_AI_White_Paper.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530352 - FACEBOOK IRELAND LIMITED

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	Considering these themes, one definition of AI worth giving special consideration is the one offered by the Expert Group on Artificial Intelligence at the OECD: An AI system is a machine-based system that is capable of influencing the Environment by making recommendations, predictions or decisions for a given set of Objectives. It does so by utilizing machine and/or human- based inputs/data to: i) perceive real and/or virtual environments; ii) abstract such perceptions into models manually or automatically; and iii) use Model Interpretations to formulate options for outcomes.27 81:3 p 14 in F530352-FB_EC_AI_Response.pdf This definition is notable in that it addresses the need to focus on learning systems, while also being mindful of the specific context of different parts of the AI development lifecycle. The individual elements of this definition, following AI through its various development phases, were devised to map to and help implement the OECD's AI Principles which share many commonalities with the Commission's own Trustworthy AI Ethical Guidelines. Were the Commission to offer a definition with a similarly granular view, that definition could support more detailed guidance around the specific risks and mitigations most appropriate to the different stages of AI development. In other words, such a definition would allow for more nuanced AI governance focused on specific problems arising in specific contexts – which is the same goal that drives our following suggestions on how to initially define, and ultimately assess, the level of risk posed by specific AI systems. 81:4 p 14 in F530352-FB_EC_AI_Response.pdf
Final:	Broad definition in line with international approaches
Score:	2
Policy Issue III: Risk-based approach	
Preference	Facebook agrees with the Commission on the importance of arriving at a definition of "Artificial Intelligence" that is "sufficiently flexible to accommodate technical progress while being precise enough to provide the necessary legal certainty," while we also recognise the challenges of doing so. We are eager to participate in continuing dialogue on how best to do that and to help ensure that the Commission clarifies its intentions on

	this score, since the White Paper's general reference to "technologies that combine data, algorithms and computing power" threatens to encompass nearly all modern software systems. However, just as a definition should not be too broad, it should also not be too narrowly focused on a detailed and prescriptive description of the underlying technical elements of AI and machine learning. These are dynamic and continuously evolving fields, and any attempt to encapsulate their technical details will inevitably and rapidly become outdated. Therefore, we urge the Commission to take two important themes into consideration as it evaluates potential definitions. 81:2 p 13 in F530352-FB_EC_AI_Response.pdf Facebook is aligned with the Commission's goal of limiting regulation to those highest risk AI uses that require it. We appreciate the Commission's attempt to do so by proposing only to regulate AI uses that meet two cumulative criteria: falling within a specific list of sectors where risk is most likely and being used in a manner that "significant risks" are likely to arise. However, we urge greater clarity in defining those criteria to ensure both legal certainty and proportionate scope, and we are eager to participate in future dialogue around how best to shape those criteria. For now, we would like to highlight three key recommendations: Ensure Precision Around Sectors: In order to avoid disproportionate burden on businesses both large and small, we urge that specific market sectors and sub-sectors be clearly and narrowly defined: If the goal is to accurately reflect those areas of the market where high risk is most likely, categories as broad as "transport" or "health" are of limited use. Such broad categories risk unnecessarily capturing broad swaths of the economy and requiring countless businesses to then expend legal and technical resources evaluating whether their AI uses meet the second criterion. Remove "Immaterial Damage" from the Definition of High-Risk Uses. Remove the "Exceptional Instances" Clause. 81:8 p 15 in F530352-FB_EC_AI_Response.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530385 - BOOKING.COM

Policy Issue I: Establishing a new regulatory framework	
Preference:	We are pleased to contribute to the European Commission's consultation on its White Paper on Artificial Intelligence- a European approach to excellence and trust 82:1 p 1 in F530385-Booking.com_AI_public_consultation.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	AI is a very broad type of technology that can be used in many different ways and in many different contexts. AI does not necessarily carry more risks than other types of technologies or indeed than when humans are directly carrying out the tasks. What is crucial is to look at context and the scale of the risks involved. As such we support the

	European Commission's focus on high-risk applications within high-risk sectors as an important step in ensuring a targeted and risk-based approach to the AI framework. This approach will help avoid blanket regulation of AI, which would chill investment and innovation where the risks of using AI are negligible. It will be important to clarify in which "exceptional instances" AI applications could be classified as high-risk outside of the cumulative criteria. In particular, the notion of "applications affecting consumer rights" is very broad and could lead to considerable legal uncertainty. One approach to ensure greater legal certainty could be to better define the two cumulative criteria rather than to develop an 'exceptional circumstances' clause. Concerns regarding AI's use should be clearly defined and well-evidenced. Ranking the importance of certain concerns - for instance discriminatory outcomes or inaccuracies - on a numerical scale is challenging, because it does not consider the context in which, or the likelihood that, such risks/harm might arise, their prevalence or ultimate impact, and other important parameters. 82:2 p 2 in F530385-Booking.com_AI_public_consultation.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530399 - NOKIA

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	A clear definition of Artificial Intelligence is essential. 83:3 p 2 in F530399-20200613_-_AI_White_Paper_Response_and_Feedback_NOKIA_.pdf Artificial Intelligence ('AI') solutions, is basically computer code running simple instructions on a machine. 83:4 p 2 in F530399-20200613_-_AI_White_Paper_Response_and_Feedback_NOKIA_.pdf
Final:	Broad definition in line with international approaches
Score:	1
Policy Issue III: Risk-based approach	
Preference:	Nokia supports a proportional, risk and opportunity-based evaluation of technologies, including Artificial intelligence 83:1 p 2 in F530399-20200613_-_AI_White_Paper_Response_and_Feedback_NOKIA_.pdf Nokia welcomes the risk-based proportionality of actions discussed in the European Commission's White Paper. However, the idea of pre-defined risk areas in general, framework AI regulation is, in our opinion, problematic. As mentioned above, the definition of AI is too vague and distinguishing between regular software deployments and AI in a legally consistent way is seen as challenging. This approach will lead to significant barriers to innovation being raised for the whole software industry. For example, an approach adopted by many companies is to prune out intelligent UI (User Interface) elements from their systems to be on the safe side. Losses caused by the lack of usability of the systems will in fact contribute to problems being spread more widely. In fact, one of the major challenges in creating competitive consumer products in Europe has often been related to problems on the UI side. Simplification of the process is good. However, there may be risks in "benign" domains or totally risk-free systems in areas

	typically considered as risky. A better way to address this complexity is to insert risk assessment clauses into the domain-specific legislation taking into account the specifics involved. The risk profiles are very different in specific sectors. Nokia is of the opinion that the risk scenarios built on experience gained from historical low-quality deployments of AI, or from hypothetical, fictional AI narratives is not warranted. The assessment and deployment of AI must build on real experience from trials and scientific analysis. Nokia expects that domain-specific regulation is more flexible in reacting to identified deficits, as well as enabling identified opportunities. High quality regulation not only enables innovation and investment in R&D for purposes of increasing knowledge about the yet unknown aspects of AI but also is of paramount importance in educating all stakeholders about the known features of AI. Ultimately, by understanding more about the artificial intelligence, we could get a glimpse into the real nature of our own intelligence as well. 83:2 p 4 in F530399-20200613_-_AI_White_Paper_Response_and_Feedback_NOKIA_.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530412 - IDEMIA

Policy Issue I: Establishing a new regulatory framework	
Preference:	A swift introduction of a clear legal AI regulatory framework where fundamental rights and freedoms play a key role. In the timeframe necessary to introduce such a framework, legally enabling technology experimentation would be extremely beneficial to fostering a better common understanding at the EU level of capabilities, vulnerabilities, issues and benefits associated to deployment of AI systems. 84:6 p 3 in F530412-IDEMIA_Consultation_on_the_White_Paper_on_Artificial_Intelligence_14JUN20.pdf
Questionnaire:	-
Final:	There is new legislation
Score:	-
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference	Put forward a harmonized, balanced, carefully crafted but firm AI regulation following the risk-based approach suggested by the European Commission; 84:3 p 1 in F530412-IDEMIA_Consultation_on_the_White_Paper_on_Artificial_Intelligence_14JUN20.pdf We understand that within the risk-based approach framework envisaged by the European Commission, the degree of oversight needed for a given application will be highly dependent on its sensitivity. 84:4 p 3 in F530412-IDEMIA_Consultation_on_the_White_Paper_on_Artificial_Intelligence_14JUN20.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530481 - DNV GL
did not upload any information, question questionnaire

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	There is need for a new legislation
Final:	There is new legislation
Score:	2
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F530497- FORTUM

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	At this point in time, it's difficult to clearly define what can or should be considered as AI. 86:2 p 1 in F530497-Fortum_AI_position.pdf
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	Fortum believe in a risk-based approach to AI, however such approach must be quite open and flexible. In the current proposal the Commission wants to set an exhaustive list of sectors combined with definitions of critical use which would the constitute high risk applications with demands for prior conformity assessments and authority approval. The approval would then cover algorithms and data sets etc. Creating an exhaustive list of sectors and usage of AI to determine high risk will distort the market for digital systems and services since the same service may be classified differently depending supplier. To give an example, a system set up to increase accuracy in customer communication could be high risk for an energy company but not for an insurance company utilizing the same solution. Trying to define a sector can be proven difficult looking at the telecom sector as

	an example going from providing means for communications to supplying media services and media content. 86:1 p 1 in F530497-Fortum_AI_position.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	

F530517 - GRUPPE DEUTSCHE BÖRSE

Policy Issue I: Establishing a new regulatory framework	
Preference:	by AI applications in the financial sector would be regulated by already existing rules and legislation 87:1 p 2 in F530517-20200610_EC_AI_whitepaper_DBG_response.pdf In general, it might be useful to ask whether a completely "new", and therefore unregulated, task is performed by an AI application in contrast to an already "known", and therefore regulated task. In the latter case, adjustments to the existing framework might be sufficient. 87:2 p 2 in F530517-20200610_EC_AI_whitepaper_DBG_response.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	It is important to differentiate between AI applications operating in "open systems" (e.g. road traffic) or "closed systems" (e.g. playing chess). In "open systems", the AI will never be able to cover all eventualities, as the training data is always limited. Here humans must make the final decision. This is also true for high-risk AI applications in "closed systems" 87:5 p 3 in F530517-20200610_EC_AI_whitepaper_DBG_response.pdf
Final:	Broad definition in line with international approaches
Score:	0
Policy Issue III: Risk-based approach	
Preference:	The list of requirements for (high-risk) AI applications should be reviewed and updated timely and frequently, e.g. without a level 1 change of the regulatory framework, to keep up with technological innovation. The review of the criteria must not need to be in regulation but rather on guidelines published by supervisory authorities and could be updated on a more regular basis. We support a certification of high-risk AI applications. 87:4 p 2 in F530517-20200610_EC_AI_whitepaper_DBG_response.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530023 - ASSOCIATION FOR FINANCIAL MARKETS IN EUROPE (AFME)

Policy Issue I: Establishing a new regulatory framework	
Preference:	AFME supports the European Commission ('the Commission') focus on promoting the uptake of AI within Europe and addressing the relevant risks. 49:1 p 5 in F530023-20200612_AFME_EC_AI_CP_Response_-_Final_.pdf
Questionnaire:	Other

Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	'Artificial Intelligence' is a broad and complex term, which is often misused or misunderstood. While there are many definitions in use, we note the 2017 Financial Stability Board (FSB) report 'Artificial Intelligence and Machine Learning in Financial Services', defines AI as "the theory and development of computer systems able to perform tasks that traditionally have required human intelligence". The World Economic Forum interprets the term more broadly, noting that AI "…develops computers that can do things traditionally done by people…sense or perceive the world and collect data… and act independently – all underpinned by the ability to learn and adapt over time" However, we appreciate that definitions used in reports or academic papers attempt to describe AI as a concept and may, if used to develop policies, create uncertainty on the scope of the technologies subject to the proposed regulatory framework. The challenge is how to provide a definition that is accurate (e.g. avoiding the inclusion of other non-AI analytics technologies), future-proof (considering the pace of innovation in the field) and broadly harmonised with other major jurisdictions. In relation to the definition4 provided by the Commission's High Level Expert Group (HLEG) on AI, we are broadly supportive of its focus on the ability of AI systems to perceive, reason, interpret, decide, learn and adapt. However, there are certain key elements of the definition which would benefit from revision as the definition is reviewed on an ongoing basis. To this end, we have provided the following drafting suggestions for the HLEG definition to focus on adaptive systems (changes in red), which avoids unnecessary capture of all automated systems, and to simplify where possible (changes in blue). "Artificial intelligence (AI) systems are software (and possibly also hardware) systems designed by humans that given a complex goal, act in the physical or digital dimension world by perceiving their environment through data acquisition, interpreting the collected structured or unstructured data, reasoning on the knowledge, or processing the information, derived from this data and deciding identifying the best action(s) to take to achieve the given goal. AI systems can either use symbolic rules or learn a numeric model, and they can also adapt their behaviour themselves or their own algorithms by analysing how the environment is affected by their previous actions, knowledge or data. As a scientific discipline, AI includes several approaches and techniques, such as machine learning (of which deep learning and reinforcement learning are specific examples), machine reasoning (which includes planning, scheduling, knowledge representation and reasoning, search, and optimization), and robotics (which includes control, perception, sensors and actuators, as well as the integration of all other techniques into cyber-physical systems)." These drafting suggestions are based on the following rationale: software (and possibly also hardware): we believe that this is unnecessary expansion – we suggest that 'systems' is sufficient; designed by humans: we believe that this is unnecessary and not future-proof. Thus, it does not seem to be an essential and defining characteristic of AI; given a complex goal,: while often applied to complex problems, the goal of an AI application does not have to be complex, i.e. this is not a defining characteristic; dimension world: we feel that 'dimension' more usually refers to the physical priorities of an object, rather than being used in a digital sense, which may cause confusion; structured or unstructured: we suggest that there is no need to specify, if it can be either. This drafting also seems to exclude semi-structured data, which we do not believe was the intention; Deciding: not all AI systems make or action the ultimate decision. We suggest that it would be more accurate to position that AI identifies the most efficient solution to achieve a goal, but may or may not have the ability to execute; can either use symbolic rules or learn a numeric model, and they can also: we suggest that this may actually narrow the definition by stating that these are the only types of models, or that there are only two ways to train a model, which is conceptually incomplete;

	their behavior themselves or their own algorithms: we suggest that “behaviour” is ambiguous and could be read too narrowly; their previous actions, knowledge or data: we note that AI adaptation can be based on more than just previous actions; and We suggest that the second paragraph is removed altogether, as to list current techniques seems both unnecessary and not future-proof. If it is retained, it should be amended to remove the assertion that AI “includes” robotics. While the two can intersect, robotics is often used without any AI elements. In the end, the Commission proposals around the use of AI should be linked to the level of risk posed by the application itself, and not to any particular technology. It is the application which may endanger safety, may breach fundamental rights (such as human dignity, privacy, data protection, freedom of expression, workers' rights etc.) or may lead to unjustifiable discriminatory outcomes. Therefore, we call again for a technology- agnostic regulation that focuses on the risk of applications regardless of the technology being used. 49:4 p 7 in F530023-20200612_AFME_EC_AI_CP_Response_-_Final_.pdf
Final:	Broad definition in line with international approaches
Score:	1
Policy Issue III: Risk-based approach	
Preference	AFME supports the focus of the Commission on high-risk AI applications, and in particular the Commission’s focus on safety and fundamental rights. However, we have concerns regarding the proposed regulatory approach: notably the risk of duplication with existing regulatory requirements, particularly for sectors that are already highly regulated such as capital markets, and the lack of clarity on how such a regulatory framework would work in practice. 49:2 p 5 in F530023-20200612_AFME_EC_AI_CP_Response_-_Final_.pdf AFME supports the Commission’s focus on safety and fundamental rights. Limiting any new requirements to those applications that may pose a real and relevant risk to citizens (e.g. on their safety or physical integrity) will prevent these requirements from creating barriers to innovation and inhibiting the broader development of AI in Europe. This focus on safety should be the foundation, to ensure a consistent application of the requirements across any activities to which they are applied, based on comparable risks. On this basis, AFME is of the view that financial services is not a high-risk sector. 49:5 p 9 in F530023-20200612_AFME_EC_AI_CP_Response_-_Final_.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530351 - HEALTH INFORMATION MANAGEMENT SYSTEMS SOCIETY / PERSONAL CONNECTED HEALTH ALLIANCE

Policy Issue I: Establishing a new regulatory framework	
Preference:	HIMSS and PCHA welcome the publication of the European Commission’s Communication on A European strategy for data and its White Paper on Artificial Intelligence of February 2020, and notes their key importance in taking Europe to the next level in the adoption of digital health for the promotion of safe, accessible, equitable, and sustainable healthcare systems. 80:1 p 3 in F530351-PCHA-HIMSS_White_Paper_on__EU_Data_Strategy_and_AI.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1

Policy Issue II: Defining AI	
Preference:	However, if legislative responses such as those set out in the White Paper are to be developed, a common definition of AI and its key components will need to be used across the EU to ensure that EU level legislation can be applied in a harmonized manner. Such a definition should be wide ranging covering machine learning and deep learning as well as other AI concepts, and should be regularly reviewed to ensure they remain fit for purpose. 80:2 p 6 in F530351-PCHA-HIMSS_White_Paper_on__EU_Data_Strategy_and_AI.pdf
Final:	Broad definition in line with international approaches
Score:	2
Policy Issue III: Risk-based approach	
Preference:	technology AI demands that risks are managed, that trust in its proper use is fostered, that the needs of industry in developing AI tools are considered, and that a robust Health IT Workforce to help advance AI is developed. 80:3 p 6 in F530351-PCHA-HIMSS_White_Paper_on__EU_Data_Strategy_and_AI.pdf The White Paper on AI identifies many uses of AI in healthcare as 'high risk' because they will have a significant impact on an individual, and as such likely to be the subject of EU level regulation, including new models of liability and risk assurance. HIMSS and PCHA welcome regulatory clarity, we urge the Commission to ensure that such legislation builds on the existing body of law which defines the use of technology in healthcare, notably the Medical Devices and In Vitro Medical Diagnostics Regulations which will be applicable from 2021 and 2022 respectively, the Clinical Trials Regulation and the GDPR. Only newly emerging/identified risks not covered by the existing rules could be considered for any potential regulation, if demonstrated that it is really needed. HIMSS and PCHA urge the European Commission to take note to the proposed model for AI classification of the US Food and Drug Administration (FDA), which categorizes AI into two groups: one, in which AI that is trained once is assigned lower risk as long as the training set or the algorithms themselves were accessible and testable; the second category is AI that is self-learning. These systems are presumed to have higher risk associated with them because they are constantly changing. 80:4 p 6 in F530351-PCHA-HIMSS_White_Paper_on__EU_Data_Strategy_and_AI.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F530102 - EUROPEAN SAVING AND RETAIL BANKING GROUP (ESBG)

Policy Issue I: Establishing a new regulatory framework	
Preference:	No new regulations are needed: In our view a regulation could hinder the development of AI in the banking sector. AI is in a phase of appropriation and exploration by the banking sector. In addition, the use of human expertise (data scientist, compliance and legal officer, client managers, etc.) remains essential to guarantee the quality and security of AI-related processing. ESBG advocates that no additional regulation is needed. Regulators and NCAs should work together with the industry in a close dialogue to elaborate some guidelines on the interpretation of how the current framework applies. 55:1 p 5 in F530102-0258_ESBG_response_to_EC_White_Paper_on_AI-_attachment.pdf
Questionnaire:	Current legislation if fully sufficient
Final:	There is new legislation
Score:	0

Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	The applicable EU legislation already allows for risks to be addressed: AI should comply with the rules in force, in particular the GDPR (any processing of personal data through an algorithm falls within the scope of the GDPR). This has been recalled by the European Data Protection Board in an answer to MEP Sophie in't Veld (01/2020): "Any processing of personal data through an algorithm falls within the scope of the GDPR. This means that the GDPR covers the creation and use of most algorithms. Thanks to - interalia - the risk-based approach, the data minimisation principle and the requirement of data protection by design and by default, the current legal framework addresses many of the potential risks and challenges associated with the processing of personal data through algorithms." 55:2 p 5 in F530102-0258_ESBG_response_to_EC_White_Paper_on_AI-_attachment.pdf Support for risk-based approach with conditions: Today, AI is at the origin of an international competition that pits Europe against other innovative players such as China and the United States. ESBG does not agree with the first of both criteria proposed by the EC in the White Paper to determine "high risk" AI applications: we do not support establishing a list of "high risk" sectors, as regulation would lose any sort of flexibility that AI requires. As regards the second criterion, the current regulatory framework (GDPR and EBA outsourcing guidelines for the financial sector) already allows for a good coverage of AI risks, so we do not think it is necessary to introduce new compulsory requirements on the basis of the "high risk" of the specific use of an AI system. Therefore, we support a risk-based approach towards AI, and hence the call of the European Parliament (resolution on AI of February 2020) to develop a risk-assessment scheme, but we consider that: it should not come from new compulsory requirements, but from providing guidelines on the existing regulatory framework; it is important that any future guidance is very precise about the criteria to determine what it considers high-risk and low-risk; the European Commission should remain vigilant to ensure that European players are not more constrained than other international players; a risk-based approach must not lead to a proportionality of the approach to AI (all players in a sector must be subject to the same rules: principle of "same risk, same rules"). 55:3 p 5 in F530102-0258_ESBG_response_to_EC_White_Paper_on_AI-_attachment.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530162 - DIGITAL EUROPE

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	

Preference:	We support the use of clear definitions of an AI system as proposed by the OECD and the AI HLEG 62:1 p 2 in F530162-DE_comments_on_AI_White_Paper_120620.pdf
Final:	Broad definition in line with international approaches
Score:	2
Policy Issue III: Risk-based approach	
Preference	We support the use of clear definitions of an AI system as proposed by the OECD and the AI HLEG, and a risk-based approach 62:3 p 2 in F530162-DE_comments_on_AI_White_Paper_120620.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

Policy Positions - Group IV: Business Associations

F528954 - EUROPEAN ASSOCIATION OF AUTOMOTIVE SUPPLIERS (CELPA)

Policy Issue I: Establishing a new regulatory framework	
Preference:	CLEPA welcomes the White Paper on AI, and believes that an appropriate legislative framework can boost the development and uptake of AI in the EU, by providing market participants more legal certainty, and by ensuring consumer trust in AI products. 88:1 p 1 in F528954-AI_TF_consultation_final_reply_26.05.2020.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	We recommend that the Commission be more specific in its definition of "artificial intelligence." How AI is defined will have important consequences on the scope of the upcoming legislative framework. 88:4 p 2 in F528954-AI_TF_consultation_final_reply_26.05.2020.pdf Similarly, the Commission should consider differentiating between different types of artificial intelligence, for example: machine learning and deep learning. This is especially relevant for technologies used in ADAS and automated driving. Each type of technology presents different kinds of risks, and this should be taken into account when designing the legislative framework. 88:5 p 2 in F528954-AI_TF_consultation_final_reply_26.05.2020.pdf
Final:	Broad definition in line with international approaches
Score:	1
Policy Issue III: Risk-based approach	
Preference:	We support the high-risk vs non high-risk approach proposed, 88:2 p 1 in F528954-AI_TF_consultation_final_reply_26.05.2020.pdf However, we urge the Commission to make clear that some transport-related applications may not be high-risk (e.g. infotainment, comfort functions, ADAS warnings…). This should be made clear in the upcoming legislative framework, and these applications exempted from the ex-ante requirements. 88:3 p 1 in F528954-AI_TF_consultation_final_reply_26.05.2020.pdf

Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F529929 - CONFEDERATION OF FINNISH INDUSTRIES (EK)

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	Organizations and citizens need to have a clear understanding when/if something applies to them. Any regulation should have a clear definition of the scope, context, and specific properties that trigger its application. There are several proposals for definitions of AI, which is also recognized in the White Paper, and there is a clear need to develop these for legal language purposes. 89:1 p 1 in F529929-AI_White_Paper_position_paper_EK_FINAL.pdf Where needed, more precise references should be made to the type of AI technology, depending on the context (machine learning, neural networks, etc.). Recommendation: follow closely global standardization work and for example OECD developments in this area. 89:2 p 1 in F529929-AI_White_Paper_position_paper_EK_FINAL.pdf
Final:	Broad definition in line with international approaches
Score:	2
Policy Issue III: Risk-based approach	
Preference:	We welcome the principle of risk-based approach 89:3 p 1 in F529929-AI_White_Paper_position_paper_EK_FINAL.pdf “One-size-fits-all” does not really work for AI; defining applicable high-risk sector and high-risk use combinations exhaustively upfront is not likely going to be univocally clear and predictable in a fast-moving technology environment. There already are sectoral rules for several identified use cases (e.g. transport, health). Additionally, referring to consumer applications qualifying as high risk seems overly broad and somewhat unqualified. Recommendation: align risk-management in principle-based manner based on objective, technology-neutral and more nuanced criteria (vs. approaching it from strictly sectoral or user group perspective). 89:4 p 1 in F529929-AI_White_Paper_position_paper_EK_FINAL.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F529996 - INSURANCE EUROPE

Policy Issue I: Establishing a new regulatory framework	
Preference:	The EU legal framework covers relevant areas such as fundamental rights, privacy and data protection, as well as product safety and liability. A horizontal, proportionate and principles-based framework that seeks to build upon existing EU and national regulatory frameworks, addressing any potential gaps where necessary, will help to support the development and uptake of AI and help to avoid unnecessary burdens. In addition, policy

	makers should examine where existing legislation may actually create barriers to the use or development of AI. 90:1 p 3 in F529996-Artificial_Intelligence_-_views_of_the_European_insurance_industry.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	Any future horizontal framework should also take a risk-based approach that is tailored to the particular use case of AI, as different applications of the technology will have different impacts and potentially will require different means by which to apply the principles. 90:2 p 3 in F529996-Artificial_Intelligence_-_views_of_the_European_insurance_industry.pdf Such a framework should follow a risk-based approach and use cases should be prioritized and treated differently based on their potential to cause harm. The scope should be limited to only those AI applications which clearly produce significant effects. 90:4 p 4 in F529996-Artificial_Intelligence_-_views_of_the_European_insurance_industry.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530018 - IBEC

Policy Issue I: Establishing a new regulatory framework	
Preference:	Take a principled and proportionate approach to AI governance and laws that apply to AI that is based on sound, clear principles, evidence and risk. Harness existing regulatory frameworks where possible 91:8 p 2 in F530018-Ibec120620_ECconsultation_AI_wp.pdf We envisage national AI strategies evolving, aligned with EU initiatives and globally relevant standards for interoperable and trustworthy AI, that enable governments, organizations and individuals across the EU to: embrace innovation and technological change; address policy issues of strategic importance; deliver quality jobs and enhance well-being in period 2020-2024. 91:1 p 3 in F530018-Ibec120620_ECconsultation_AI_wp.pdf Ibec support a principled and proportionate approach to AI governance that is based on evidence and risk. We broadly welcome the regulatory approach proposed in the Commission's White Paper. 91:2 p 10 in F530018-Ibec120620_ECconsultation_AI_wp.pdf but it is worth evaluating if there are gaps in the context of specific demonstrable risk 91:3 p 10 in F530018-Ibec120620_ECconsultation_AI_wp.pdf Assess the need for new regulation against existing regulation. 91:11 p 11 in F530018-Ibec120620_ECconsultation_AI_wp.pdf
Questionnaire:	Current legislation may have some gaps

Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	Take a risk-based approach to AI governance. The heterogenous nature of AI and its applications means a one-size-fits-all legislative approach would be problematic or risk stifling the desired opportunities. Policy makers and stakeholders should work together to define any further appropriate safeguards needed for sensitive use cases whilst continuing to encourage innovation. 91:5 p 11 in F530018-Ibec120620_ECconsultation_AI_wp.pdf requirements limited to 'high-risk' applications is useful as it aims to ensure a targeted and proportionate approach. 91:6 p 11 in F530018-Ibec120620_ECconsultation_AI_wp.pdf The Commission should better reflect well-established interpretations of risk, reflect wider operational context when assessing risk, and factor in the opportunity cost of not using AI in the definitions/criteria. 91:7 p 11 in F530018-Ibec120620_ECconsultation_AI_wp.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530044 - EUROPEAN AUTOMOBILE MANUFACTURERS ASSOCIATION (ACEA)

Policy Issue I: Establishing a new regulatory framework	
Preference:	ACEA stands ready to further discuss the actual details of any potential draft proposal or specific update to an existing legislation. 92:1 p 1 in F530044-20200612_ACEA_Written_Response_AIConsult.pdf Hence, ACEA strongly recommends to the Commission to ensure that any new regulatory AI framework does not duplicate, replicate or invalidate the existing certification requirements and sectoral regulatory frameworks 92:2 p 1 in F530044-20200612_ACEA_Written_Response_AIConsult.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	A clearer definition of AI as well as a differentiation between its approaches and techniques are of utmost importance when drafting legislation in order to prevent that traditional software systems 92:3 p 1 in F530044-20200612_ACEA_Written_Response_AIConsult.pdf If AI is not clearly defined, the risk arises that existing functions, services and products will be subsumed under the umbrella term of AI. Given that a satisfactory definition of AI that covers all situations and application realms might be difficult to be adopted, the proper usage of specific technical terms (e.g. machine learning) should be considered as a

	reasonable solution, especially when drafting legislation. 92:9 p 5 in F530044-20200612_ACEA_Written_Response_AIConsult.pdf
Final:	Broad definition in line with international approaches
Score:	2
Policy Issue III: Risk-based approach	
Preference:	ACEA urges the Commission to refrain from the adoption of a sectoral risk-based approach: placing entire sectors under general suspicion would hamper AI development, impair the use of AI for non-critical functions/services ("low-risk" AI applications), harm EU competitiveness and location's innovative power altogether. ACEA encourages the Commission to adopt instead a risk-based approach, which sensibly assesses and classifies the risk level on a case-by-case basis, exclusively according to the specific AI application and its intended use 92:4 p 2 in F530044-20200612_ACEA_Written_Response_AIConsult.pdf Therefore, just because an algorithm is machine learning based, it should not, by default, be classified as a high-risk AI. 92:8 p 5 in F530044-20200612_ACEA_Written_Response_AIConsult.pdf While a risk-based approach is desirable, it is important to prevent entire sectors from being placed under general suspicion, as each sector involves applications, products and services with different risk requirements 92:10 p 8 in F530044-20200612_ACEA_Written_Response_AIConsult.pdf In every sector, risks must be assessed on a case-by-case basis 92:11 p 8 in F530044-20200612_ACEA_Written_Response_AIConsult.pdf The definition of high-risk must be clearer and narrower. It is important to avoid moderate- risk AI use cases being caught as high-risk and thus, being overregulated. This would hamper innovation and the use of AI in the automotive sector. 92:12 p 9 in F530044-20200612_ACEA_Written_Response_AIConsult.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530100 - SWEDISH BANKERS ASSOCIATION

Policy Issue I: Establishing a new regulatory framework	
Preference:	We welcome the White Paper's focus on applications rather than on the technology itself and would recommend the adoption of a technology neutral principle. Legal requirements should not apply to the underlying technology but to the use to which it is put. 93:3 p 1 in F530100-200612_SBF_Position_EC_AI_White_Paper.pdf The current legislation for finance covers many of the potential risks with AI systems, since they are not physical systems but rather virtual. Banks already monitor and assess systems with high to medium business impact, to ensure that any system that is deployed is monitored, validated and re-evaluated on an appropriate recurring basis (from continuous to yearly reviews). 93:6 p 3 in F530100-200612_SBF_Position_EC_AI_White_Paper.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	-

Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	The suggested risk-based approach is a sound principle but needs to enhance a degree of flexibility. An approach centered on prescriptive, wider regulation could hamper the adoption of this enabling technology and harm Europe's competitiveness globally. 93:1 p 1 in F530100-200612_SBF_Position_EC_AI_White_Paper.pdf Consequently, the suggested risk-based approach is a sound principle but needs to enhance a degree of flexibility. 93:5 p 2 in F530100-200612_SBF_Position_EC_AI_White_Paper.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530114 - FEDERATION OF GERMAN INDUSTRIES (BID)

Policy Issue I: Establishing a new regulatory framework	
Preference:	A selective adaptation of the existing legal framework for AI can increase legal certainty for companies. 94:1 p 3 in F530114-BDI-Statement_-_White_Paper_on_AI_final_EN.pdf Additional legislation going beyond a selective adaptation of the existing legal framework may only be considered if there is a proven need. Should the Commission decide to introduce a new legislation specifically on AI, it should be based on a horizontal approach, which should be specified sector-specifically or transferred to already existing sector-specific legislation. 94:2 p 3 in F530114-BDI-Statement_-_White_Paper_on_AI_final_EN.pdf There are currently no fundamental legislative gaps 94:5 p 4 in F530114-BDI-Statement_-_White_Paper_on_AI_final_EN.pdf In the view of the BDI, there are currently no fundamental regulatory gaps that cannot be closed by a selective adjustment of the existing regulatory framework. 94:6 p 4 in F530114-BDI-Statement_-_White_Paper_on_AI_final_EN.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	When defining requirements for AI systems, a distinction should be made between B2C and B2B applications. The requirements in the B2C area are different from those in the B2B area, since consumer rights must be specially protected by law (for example, via product liability). In the B2B area, companies can negotiate legal aspects among themselves in contracts. 94:4 p 3 in F530114-BDI-Statement_-_White_Paper_on_AI_final_EN.pdf
Final:	Broad definition in line with international approaches
Score:	0
Policy Issue III: Risk-based approach	
Preference:	In the event of any AI-specific legislation, a differentiated and risk-based approach is the right way forward. However, too much emphasis is put on the sectoral nature of an AI

	application. Sector affiliation will indeed play a role in assessing the risk, nevertheless it does not seem to be very useful to define it as one of two main criteria. More important than the sector is the specific field of application in which the AI application is used. 94:3 p 3 in F530114-BDI-Statement_-_White_Paper_on_AI_final_EN.pdf Clear criteria must be determined to exactly define what is meant by a "significant risk". The paper is still very vague in this respect and leaves too much room for interpretation. Risk matrices which are also used in the area of product safety can serve as a guide. Here the probability of occurrence is multiplied by the possible extent of damage and threshold values for classification are defined. 94:7 p 6 in F530114-BDI-Statement_-_White_Paper_on_AI_final_EN.pdf The paper does not clarify who assesses whether an application poses a "high risk" and how this assessment should be made in a legally secure manner. The assessment could lead to a considerable amount of bureaucracy for companies and government or notified bodies. 94:8 p 6 in F530114-BDI-Statement_-_White_Paper_on_AI_final_EN.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530145 - BSA | THE SOFTWARE ALLIANCE

Policy Issue I: Establishing a new regulatory framework	
Preference:	are informed by existing law, and account for context-specific considerations in determining whether specific applications of AI should be regulated. BSA therefore welcomes the Commission's decision to adopt such an approach as the foundation for the AI White Paper. 95:2 p 2 in F530145-BSA_AI_White_Paper_submission.pdf identify possible gaps and only propose new legislation if there is no other way to rectify them, AI-specific or not. 95:3 p 2 in F530145-BSA_AI_White_Paper_submission.pdf BSA prepared a detailed analysis of EU legislation impacting AI, which could prove helpful as the Commission moves to evaluate the sufficiency of current laws. 95:4 p 2 in F530145-BSA_AI_White_Paper_submission.pdf If European legislation and guidelines are too prescriptive or overly rigid, AI will be developed elsewhere, and other geographies will reap the benefits of AI deployment while Europe is left behind. 95:5 p 2 in F530145-BSA_AI_White_Paper_submission.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	Defining AI properly will also be crucial. The term "artificial intelligence" can be, and often is, used to describe a vast array of technologies. These technologies, in turn, can be used in a nearly infinite range of scenarios. Consistent with the Commission's goal of carefully focusing regulatory mandates on high-risk scenarios, it will be important to ensure that the definition of AI is not so broad as to sweep in thousands of everyday products and services. 95:8 p 3 in F530145-BSA_AI_White_Paper_submission.pdf Ensuring that the definition is appropriately tailored will be critical. Given the potentially far-reaching requirements of new legislative requirements for high-risk AI, it is crucial for AI developers and users to be able to determine with certainty if their application might fall within the scope of high-risk. 95:13 p 4 in F530145-BSA_AI_White_Paper_submission.pdf
Final:	Broad definition in line with international approaches
Score:	1

Policy Issue III: Risk-based approach	
Preference:	Consistent with the risk-based, context-specific approach the Commission has endorsed, any proposed legislative changes should avoid one-size-fits-all mandates. 95:7 p 3 in F530145-BSA_AI_White_Paper_submission.pdf BSA agrees that future legislative proposals should focus on high-risk scenarios where the deployment of AI-based technologies poses a threat to fundamental rights. 95:9 p 3 in F530145-BSA_AI_White_Paper_submission.pdf To this end, it will be important to carefully assess scenarios that should be deemed as high-risk and hence be subject to legal requirements. BSA strongly recommends ensuring stakeholder involvement in this context as much as possible, especially as it will be sector-dependent as much as use-case dependent. 95:10 p 3 in F530145-BSA_AI_White_Paper_submission.pdf BSA welcomes the decision to take an incremental approach by limiting regulation to AI systems that are (1) deployed in a high risk sector and (2) used in a manner that significant risks are likely to arise. 95:11 p 3 in F530145-BSA_AI_White_Paper_submission.pdf This would allow for a more homogeneous application and understanding of the possible requirements for high-risk AI, providing for the necessary proportionality and legal certainty as AI technologies and tools are developed and deployed. 95:12 p 3 in F530145-BSA_AI_White_Paper_submission.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F520149 - VDMA - GERMAN ENGINEERING ASSOCIATION

Policy Issue I: Establishing a new regulatory framework	
Preference:	The VDMA fully supports the fact that the EU Commission wants to shape AI and the exchange of data at European level. A patchwork of national rules must be avoided at all costs. 96:1 p 2 in F530149-VDMA_Position_Paper_White_Paper_AI_June_2020.pdf In the view of the VDMA, a new, horizontal regulation for AI technologies is currently not justified. The White Paper does not provide evidence of any fundamental regulatory gaps. 96:2 p 2 in F530149-VDMA_Position_Paper_White_Paper_AI_June_2020.pdf Instead, it should be observed and examined whether the existing regulation has gaps and where it needs to be improved. The legislator should not regulate technologies, but should instead target the effects of AI application. Otherwise, there is a risk of hampering innovation and having to constantly create new laws for adapting to technological progress. 96:3 p 2 in F530149-VDMA_Position_Paper_White_Paper_AI_June_2020.pdf The need for new legislation on AI has not yet been demonstrated 96:5 p 6 in F530149-VDMA_Position_Paper_White_Paper_AI_June_2020.pdf In the view of the VDMA, the Commission's White Paper does not identify any fundamental gaps in the regulation of artificial intelligence that would justify additional legislation. Rather, there is a risk that new legal uncertainties and consistency problems will be raised. 96:6 p 6 in F530149-VDMA_Position_Paper_White_Paper_AI_June_2020.pdf The White Paper does not identify fundamental regulatory gaps 96:7 p 6 in F530149-VDMA_Position_Paper_White_Paper_AI_June_2020.pdf AI is already covered by a large number of laws. 96:12 p 8 in F530149-VDMA_Position_Paper_White_Paper_AI_June_2020.pdf Whether an adaptation of existing legislation is necessary must be carefully examined in the context of its application. This examination must take place in the context of application and be based on the reality of the use of AI. 96:13 p 8 in F530149-VDMA_Position_Paper_White_Paper_AI_June_2020.pdf
Questionnaire:	Other

Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	It will be crucial for good legislation that its scope is clear and that the criteria are easy and quick to interpret. 96:11 p 8 in F530149-VDMA_Position_Paper_White_Paper_AI_June_2020.pdf
Final:	Broad definition in line with international approaches
Score:	2
Policy Issue III: Risk-based approach	
Preference:	Should horizontal legislation be considered necessary in the future, the right approach would be a limitation to high risk applications. AI must not be placed under general suspicion. Instead, there must be room for the many harmless and promising AI applications. It is therefore essential to develop a clear methodology to identify "high risk applications" and to define the scope of eventual legislation. 96:4 p 2 in F530149-VDMA_Position_Paper_White_Paper_AI_June_2020.pdf The right approach is limiting it to high-risk applications. 96:8 p 7 in F530149-VDMA_Position_Paper_White_Paper_AI_June_2020.pdf The requirements listed in the White Paper are useful, provided the scope and risk are correctly and clearly defined 96:9 p 7 in F530149-VDMA_Position_Paper_White_Paper_AI_June_2020.pdf Nevertheless, there is a risk that unclear criteria could create legal uncertainty. It is therefore essential to develop a clear methodology to clearly define so called "high risk applications" 96:10 p 7 in F530149-VDMA_Position_Paper_White_Paper_AI_June_2020.pdf It will be crucial for good legislation that its scope is clear and that the criteria are easy and quick to interpret. 96:11 p 8 in F530149-VDMA_Position_Paper_White_Paper_AI_June_2020.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530156 - INFORMATION TECHNOLOGY INDUSTRY COUNCIL (ITI)

Policy Issue I: Establishing a new regulatory framework	
Preference:	If regulatory shortcomings are identified following an assessment of applicable laws, adapting existing laws would be the appropriate approach. It additional legislation is absolutely necessary to fill an identified gap, policymakers should avoid regulating AI as such in observance of the technological neutrality principle, 97:1 p 1 in F530156-ITI_response_to_EC_AI_White_Paper_12_06_2020_FINAL.pdf The White Paper provides a comprehensive overview of existing laws applicable to AI and identifies several areas where it sees a need to amend them, create new ones or use other legislative avenues. 97:6 p 4 in F530156-ITI_response_to_EC_AI_White_Paper_12_06_2020_FINAL.pdf A proper assessment of applicable laws should therefore precede new legislation, with a view toward evaluating whether new rules are actually needed, avoiding conflicts of law, and ensuring that both existing and forthcoming regulatory requirements prioritize international compatibility and reliance on global, industry-driven, voluntary, consensus-based standards 97:7 p 4 in F530156-ITI_response_to_EC_AI_White_Paper_12_06_2020_FINAL.pdf
Questionnaire:	-

Final:	There is final legislation
Score:	-
Policy Issue II: Defining AI	
Preference:	Since there is no single agreed-upon definition of AI, it will be important for policymakers to provide greater clarity if they plan to seek specific rules for AI functions. An essential factor is to properly identify AI and its different categories, including the component parts of AI systems beyond algorithms, as well as to define related key terms such as machine learning. 97:9 p 5 in F530156-ITI_response_to_EC_AI_White_Paper_12_06_2020_FINAL.pdf
Final:	Broad definition in line with international approaches
Score:	2
Policy Issue III: Risk-based approach	
Preference:	A clear, targeted scope focusing on those high-risk AI applications where issues are most likely to arise is key. The categorisation of 'high-risk' and 'low-risk' applications should consider use case, complexity of the AI system, probability of worst-case occurrence, irreversibility, scope of harm in worst case scenario and sector 97:3 p 1 in F530156-ITI_response_to_EC_AI_White_Paper_12_06_2020_FINAL.pdf We appreciate the White Paper's approach suggesting that regulation should concentrate on how to minimise the various risks of potential harms that may emerge from high-risk AI applications (p. 10). We agree that risks need to be identified and mitigated and encourage policymakers to take a risk-based rather than overly precautionary approach to rules affecting AI. 97:4 p 3 in F530156-ITI_response_to_EC_AI_White_Paper_12_06_2020_FINAL.pdf Approaches must be context- and risk- specific and should consider that not all AI applications are affecting individuals' fundamental rights. 97:5 p 3 in F530156-ITI_response_to_EC_AI_White_Paper_12_06_2020_FINAL.pdf A clear, targeted scope focusing on those high-risk AI applications where issues are most likely to arise will be critical to the effectiveness of any future regulatory framework, and avoidance of over-regulation. 97:8 p 5 in F530156-ITI_response_to_EC_AI_White_Paper_12_06_2020_FINAL.pdf We appreciate the White Paper's intention to lay out a differentiated approach based on risk, with a distinction between high- and low-risk AI applications, based on a number of criteria including the intended use. However, the use of "sectors" may lead to a too broad categorisation 97:10 p 5 in F530156-ITI_response_to_EC_AI_White_Paper_12_06_2020_FINAL.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530160 - EUROPEAN ASSOCIATION OF CO-OPERATIVE BANKS

Policy Issue I: Establishing a new regulatory framework	
Preference:	No new regulations needed: In our view a regulation could hinder the development of AI in the banking sector. AI is in a phase of appropriation and exploration by the banking sector. In addition, the use of human expertise (data scientist, compliance and legal officer, client managers, etc.) remains essential to guarantee the quality and security of AI-related processing. 98:1 p 4 in F530160-EACB_DUD_PP_EC_Consultation_Annex_Key_messages_AI.pdf Danger of overregulation or "over-interpretation": Considering the competitiveness of European companies, it is crucial to be able to use all data-sets that are generated from

	own business activities / processes. 98:3 p 5 in F530160-EACB_DUD_PP_EC_Consultation_Annex_Key_messages_AI.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	The applicable EU legislation already allows for risks to be addressed: 98:2 p 4 in F530160-EACB_DUD_PP_EC_Consultation_Annex_Key_messages_AI.pdf We do not recommend new rules, as existing regulation is sufficient. For "high- risk" industries rules and regulations exist: from oil-drilling and nuclear power (with general risks for the environment) to pharmaceutical products and part of automotive industry (with risks to individual citizens). 98:4 p 5 in F530160-EACB_DUD_PP_EC_Consultation_Annex_Key_messages_AI.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	0

F530180 - TECHNOLOGY INDUSTRIES OF FINLAND

Policy Issue I: Establishing a new regulatory framework	
Preference:	Proposed approach to regulate only high-risk use cases is a good starting point. However, stringent regulation combined with proposed mechanical and rigid risk-classification might give ground to work-arounds and encourage to use other technologies 99:1 p 1 in F530180-AI_WP_Open_Comment_TIF_200612.pdf In our view, the proposed model for classifying high-risk use cases seems too rigid and very challenging for legal certainty. Draft for Parliament resolution plainly shows how this model would work: Developers and operators of AI would have to tackle a challenging environment of ever-changing (or expanding) scope of the regulation. Especially the proposed exceptional instances -regime undermines predictability and legal certainty 99:3 p 1 in F530180-AI_WP_Open_Comment_TIF_200612.pdf sector: and to develop a sector-agnostic process for analyzing risks - if horizontal approach is to be introduced 99:5 p 1 in F530180-AI_WP_Open_Comment_TIF_200612.pdf By introducing a new horizontal regulation, the Commission risks creating a maze of cross-cutting legal requirements where coherence might be lost between different pieces of regulation and where the cost of compliance is unproportionally high – especially for SME companies 99:6 p 1 in F530180-AI_WP_Open_Comment_TIF_200612.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	

Preference:	It also puts much weight on the definition of AI. 99:2 p 1 in F530180-AI_WP_Open_Comment_TIF_200612.pdf
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F530185 - U.S. CHAMBER OF COMMERCE

Policy Issue I: Establishing a new regulatory framework	
Preference:	The Chamber recognizes the joint efforts by the Commission and the business community to pilot an assessment list for ethical AI, which was founded on the work of the Commission's High-Level Expert Group on Artificial Intelligence. Multi-stakeholder initiatives such as these are important for advancing voluntary and flexible AI governance frameworks. Indeed, the OECD's AI Policy Observatory has cataloged similar partnerships around the world to address issues of public concern related to artificial intelligence. 100:1 p 4 in F530185-U.S._Chamber_of_Commerce_Comments_EU_AI_White_Paper__final_.pdf An evidence-based approach to policymaking is essential. With this in mind, the Chamber encourages the Commission to integrate into its future proposals for AI governance the relevant principles of scientific integrity, information quality, and robust technical analysis. 100:2 p 5 in F530185-U.S._Chamber_of_Commerce_Comments_EU_AI_White_Paper__final_.pdf If the Commission hastily pursues AI regulation without an appropriate base of evidence, it risks stifling Europe's development and use of this vital technology, undermining the continent's drive towards greater competitiveness. 100:3 p 5 in F530185-U.S._Chamber_of_Commerce_Comments_EU_AI_White_Paper__final_.pdf
Questionnaire:	-
Final:	There is new legislation
Score:	-
Policy Issue II: Defining AI	
Preference:	A Definition of Artificial Intelligence: The Commission's definition of AI will prove critical in determining the scope of its proposed governance framework. While the White Paper does not formally propose a definition, the Commission describes AI as "a collection of technologies that combine data, algorithms and computing power." While the Chamber agrees with this description in a general sense, it underscores the difficult task that the Commission faces, as all contemporary software is a collection of data, algorithms, and computing power. An overly broad approach may have significant difficulty in differentiating between AI and a less complex program. We encourage the Commission to pursue a narrower definition of AI and to focus on the subcategory of AI systems which, in specific contexts, may present risks that are not already adequately addressed by existing regulations. We further encourage the Commission to ensure that such a definition excludes traditional AI programs that operate according to hard coded rules, and instead focuses on future AI systems that are capable of learning on their own. 100:4 p 5 in F530185-U.S._Chamber_of_Commerce_Comments_EU_AI_White_Paper__final_.pdf

Final:	Broad definition in line with international approaches
Score:	0
Policy Issue III: Risk-based approach	
	Recommendations for a Risk-Based Approach: As described in our Principles on Artificial Intelligence, the Chamber recommends that governments incorporate risk-based approaches rather than prescriptive requirements into frameworks governing the development, deployment, and use of artificial intelligence. The Chamber agrees with the Commission that there can be "no one-size-fits-all rules that can properly accommodate the many unique characteristics of every industry making use of this technology and its impact on individuals." Indeed, we believe that AI use cases that involve a high risk should face a higher degree of scrutiny than a use case where the risk of concrete harm to individuals is low. The Chamber recommends that the risk-based approach outlined in the White Paper be improved in the following respects: First, the Commission should consider how a future governance framework would account for the variety of risks that may or may not be applicable across different AI contexts. A risk-based approach considers factors such as safety and human life, impact on critical infrastructure, financial market stability, and the capability to cause concrete harm to individuals. A binary approach that relies, even in part, on categorizing entire sectors as "high-risk" or "not high-risk" is insufficiently nuanced and unable to capture the heterogeneous nature of "risk." 100:6 p 6 in F530185-U.S._Chamber_of_Commerce_Comments_EU_AI_White_Paper__final_.pdf Second, the Commission's risk-based approach should recognize the different factors that are important for understanding the risks that AI may pose in a specific context. As written, the White Paper focuses on the severity of potential harms. The Chamber recommends that any future risk analysis also be proportional and based on additional factors, including the probability and scale of harm. 100:7 p 7 in F530185-U.S._Chamber_of_Commerce_Comments_EU_AI_White_Paper__final_.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530202 - EUROPEAN BANKING FEDERATION

Policy Issue I: Establishing a new regulatory framework	
Preference:	The European Banking Federation (EBF) welcomes the European Commission's White Paper on "Artificial Intelligence 101:1 p 1 in F530202-EBF_041600_-_EBF_Annex_to_EC_AI_White_Paper_consultation.pdf the regulatory environment needs to be fit for the use of AI and enable innovation, while providing legal certainty (e.g. on IP considerations), and maintaining a strong level of consumer protection. Similarly, ensuring a level playing field across industries and geographies is of capital importance to ensure the uptake of AI in the European banking sector and a high level of protection for individuals. 101:2 p 1 in F530202-EBF_041600_-_EBF_Annex_to_EC_AI_White_Paper_consultation.pdf This recognition of existing regulation is crucial to ensure a level playing field and to avoid duplication 101:3 p 2 in F530202-EBF_041600_-_EBF_Annex_to_EC_AI_White_Paper_consultation.pdf that new, AI specific legislation is not required and believe it is key to take into account the consequences that any rules could have for the competitiveness of European companies. However, guidance developed by competent authorities on how to apply existing requirements to AI use cases could help firms to effectively apply their obligations under different regulatory regimes 101:4 p 2 in F530202-EBF_041600_-_EBF_Annex_to_EC_AI_White_Paper_consultation.pdf
Questionnaire:	Other

Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	Any future definition should ensure it is focused on genuine AI and is future-proofed, for example by focusing on the technology's adaptive qualities. Using a definition such as the one proposed by the AI High-Level Expert Group (HLEG), risks that any system, including general automation processes which do not give rise to the primary issues identified in the White Paper, is subject to AI specific rules. 101:8 p 3 in F530202-EBF_041600_-_EBF_Annex_to_EC_AI_White_Paper_consultation.pdf
Final:	Broad definition in line with international approaches
Score:	1
Policy Issue III: Risk-based approach	
Preference:	If the Commission proceeds with horizontal AI regulation, as proposed in the White Paper, we generally support the proposed approach to focus only on high risk AI applications. An approach centered on prescriptive, wider regulation could hamper the adoption of this enabling technology and harm Europe's competitiveness globally. 101:5 p 2 in F530202-EBF_041600_-_EBF_Annex_to_EC_AI_White_Paper_consultation.pdf Overall, in order to avoid uncertainty regarding the scope of this potential regulation, the Commission should develop clear and objective criteria for high-risk applications to ensure that only those applications that could cause serious harm to citizens (e.g. by putting their lives at risk) are captured. 101:6 p 3 in F530202-EBF_041600_-_EBF_Annex_to_EC_AI_White_Paper_consultation.pdf The Commission should ensure that only high-risk applications are captured, so that the proposed new requirements are consistently applied and without any differentiation per sector, country, or supervisor. This framework should not be extended to other activities or use cases with significantly lower risks. 101:7 p 3 in F530202-EBF_041600_-_EBF_Annex_to_EC_AI_White_Paper_consultation.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530231 - EUROPEAN FEDERATION OF PHARMACEUTICAL

Policy Issue I: Establishing a new regulatory framework	
Preference:	EFPIA fully embraces the potential benefits which AI- powered solutions can bring to the healthcare ecosystem and its potential to positively impact the lives of patients and healthcare professionals. The Commission has rightly identified the need to foster ecosystems of excellence and trust in AI and we are committed to achieving these objectives as a valued partner. 102:1 p 1 in F530231-EFPIA_EuropeanArtificialIntelligence_briefing.pdf Regulation should be adequate, appropriate, clear and non-contradicting: Regulations on AI must be simple and clear in how and when to apply them, sufficient in their scope to regulate current and future potential uses without restricting innovation, non-overlapping/duplicative and fair and consistent in their application by stakeholders to keep a level playing field for all users. 102:2 p 2 in F530231-EFPIA_EuropeanArtificialIntelligence_briefing.pdf
Questionnaire:	Other
Final:	There is new legislation

Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	EFPIA supports a risk-based approach to AI: Oversight of AI should be proportionate to the intended use and led by defined risk categories or criteria for the AI system. Regulators should review existing systems of risk-based regulation such as the risk categorisation principles for Software as a medical device from the International Medical Device Regulators Forum (MDRF), seeking additional external stakeholder input. This will create a predictable framework for AI development based on clear risk-based criteria, enabling future investment. 102:3 p 2 in F530231-EFPIA_EuropeanArtificialIntelligence_briefing.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530256 - SEMI EUROPE → only committed comments on ecosystem of excellence

Policy Issue I: Establishing a new regulatory framework	
Preference:	SEMI Europe welcomes the European Commission's communication "White Paper on Artificial Intelligence – A European approach to excellence and trust" and appreciates the opportunity to provide its feedback 103:1 p 1 in F530256-SEMI_Europe_Comments_on_EU_AI_White_Paper_June_2020.pdf
Questionnaire:	-
Final:	There is new legislation
Score:	-
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

F530264 - SOFTWARE & INFORMATION INDUSTRY ASSOCIATION (SIIA)

Policy Issue I: Establishing a new regulatory framework

Preference:	SIIA is supportive of the Commission's intention to define a framework for the safe development and deployment of AI in the EU based on European values and principles 104:1 p 1 in F530264-SIIA_Comments_-_EU_White_Paper_on_Artificial_Intelligence_-_June_2020.pdf Regulatory framework welcome in principle but further clarifications needed to be effective 104:8 p 7 in F530264-SIIA_Comments_-_EU_White_Paper_on_Artificial_Intelligence_-_June_2020.pdf
Questionnaire:	-
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	SIIA stresses importance of a clear and narrow definition of terms and scope 104:2 p 2 in F530264-SIIA_Comments_-_EU_White_Paper_on_Artificial_Intelligence_-_June_2020.pdf An essential foundational element of any regulatory framework is a clarification of scope, accordingly SIIA agrees with the Commission that a clear definition of AI is a critical aspect of this White Paper and future policymaking in this space. 104:3 p 2 in F530264-SIIA_Comments_-_EU_White_Paper_on_Artificial_Intelligence_-_June_2020.pdf The White Paper goes on, however, to frame AI broadly as having the main elements of "data" and "algorithms." Such a definition risks over-regulation as it puts nearly all of contemporary software in scope. SIIA recommends that the Commission adopt a narrower definition of AI, and suggests that descriptive specific use-cases be leveraged to supplement a definition. 104:4 p 3 in F530264-SIIA_Comments_-_EU_White_Paper_on_Artificial_Intelligence_-_June_2020.pdf
Final:	Broad definition in line with international approaches
Score:	0
Policy Issue III: Risk-based approach	
Preference:	SIIA welcomes the risk-based approach to create an ecosystem of trust but calls for more nuance and proportionality in classifications and mandatory legal requirements 104:5 p 4 in F530264-SIIA_Comments_-_EU_White_Paper_on_Artificial_Intelligence_-_June_2020.pdf To achieve this the White Paper presents a risk-based approach to regulating AI. Specifically, the Commission proposes to focus in the near term on "high-risk" AI applications, defined as those that are both deployed in a high-risk sector and utilized in a high-risk manner. If deemed high-risk, an AI application would be subject to mandatory pre-marketing conformity assessment requirements to enforce transparency and other requirements. 104:6 p 4 in F530264-SIIA_Comments_-_EU_White_Paper_on_Artificial_Intelligence_-_June_2020.pdf While SIIA is supportive in principle of a risk-based approach whereby only high-risk applications are subject to mandatory legal requirements, we want to stress the importance of clearly defining relevant terms and criteria to ascertain the scope of such a strategy. 104:7 p 5 in F530264-SIIA_Comments_-_EU_White_Paper_on_Artificial_Intelligence_-_June_2020.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530265 - EUROCOMMERCE

Policy Issue I: Establishing a new regulatory framework

Preference:	Existing EU legislation already provides a framework for transparency in Artificial Intelligence. Some of its provisions are: 105:3 p 4 in F530265-EuroCommerce_-_Contributions_to_the_White_paper_on_Artificial_Intelligence_-FINAL.pdf The European Commission must allow Member States to transpose these new rules and evaluate whether they are fit for AI development and use 105:4 p 5 in F530265-EuroCommerce_-_Contributions_to_the_White_paper_on_Artificial_Intelligence_-FINAL.pdf The future European framework for AI should be technology-neutral and focus on achieving desirable outcomes rather than regulating tools, as it is already the case with existing legislation such as the General Data Protection Regulation and Product Liability Directive. 105:6 p 8 in F530265-EuroCommerce_-_Contributions_to_the_White_paper_on_Artificial_Intelligence_-FINAL.pdf Regulatory sandboxes for testing high-risk AI solutions could potentially enable businesses of all sizes to explore the potential of Artificial Intelligence. Current European and national legislative frameworks, notably competition and privacy rules, limit data reuse for AI training purposes between small, medium, and large companies. 105:7 p 8 in F530265-EuroCommerce_-_Contributions_to_the_White_paper_on_Artificial_Intelligence_-FINAL.pdf Should the European Commission decide to update existing regulations in light of upcoming AI applications, careful attention should be paid to avoid overregulation – especially considering recently adopted EU and national legislation (as mentioned above), support the use of existing AI technologies and bolster innovation. 105:8 p 8 in F530265-EuroCommerce_-_Contributions_to_the_White_paper_on_Artificial_Intelligence_-FINAL.pdf
Questionnaire:	Current legislation is fully sufficient
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	The future European framework for AI should rely on a simple, narrow, clear, and harmonized definition of 'Artificial Intelligence' 105:1 p 1 in F530265-EuroCommerce_-_Contributions_to_the_White_paper_on_Artificial_Intelligence_-FINAL.pdf The definition of 'Artificial Intelligence' is needed to secure the legal certainty needed for businesses to innovate in the European Union and should not (unintentionally) other technologies, it should be AI specific. All stakeholders, from developers to researchers and users, should be able to easily understand such a definition to foster trust among consumers. Currently the definition for AI, set in the AI White paper, includes "data" and "algorithms", this is a very broad definition that can be applied to various types of software. Therefore, we would appreciate a simpler, narrower, clear, and harmonized definition of what is considered under AI. 105:5 p 7 in F530265-EuroCommerce_-_Contributions_to_the_White_paper_on_Artificial_Intelligence_-FINAL.pdf
Final:	Broad definition in line with international approaches
Score:	1
Policy Issue III: Risk-based approach	
Preference:	We support that the sector-specific approach taken in the AI White Paper acknowledging that a 'one size fits all' approach is not appropriate for AI, as one AI application used in a given sector can have a different level of risk in another. High-risk AI applications should be defined and overseen in a way that provides legal certainty and is future-proof 105:2 p 1 in F530265-EuroCommerce_-_Contributions_to_the_White_paper_on_Artificial_Intelligence_-FINAL.pdf Risk-based approach: Retailers and wholesalers welcome that the European Commission recognises our sector as a safe sector. The sector-specific approach taken in the AI White

	Paper acknowledges that a 'one size fits all' approach is not appropriate for AI, as one AI application used in a given sector can have a completely different level of harm in another. Any upcoming AI framework should be application-based and not technology-based. Such an approach should implement safeguards on technological use rather than development, thereby securing technology neutrality. 'High-risk' applications should be assessed based on their intended use, i.e., on whether they will be used for internal business processes, decision tools, physical use that presents safety risks including harm to human body. 105:9 p 9 in F530265-EuroCommerce_-_Contributions_to_the_White_paper_on_Artificial_Intelligence_-FINAL.pdf High-risk AI applications should be defined and overseen in a way that provides legal certainty and is future-proo 105:10 p 9 in F530265-EuroCommerce_-_Contributions_to_the_White_paper_on_Artificial_Intelligence_-FINAL.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530313 - AMERICAN CHAMBER OF COMMERCE TO THE EUROPEAN UNION (AMCHAM EU)

Policy Issue I: Establishing a new regulatory framework	
Preference:	We would suggest to the Commission to undertake a thorough analysis of existing legislation (including sectoral legislation) that is applicable to AI, before introducing new legislation 106:4 p 3 in F530313-AI_supporting_document_final.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	AI policies should define AI in a way that avoids legal uncertainty, fragmentation and an uneven playing field. Regular knowledge-sharing of what AI is and is not between policymakers, industry, and academia is required to ensure AI policies define it clearly and consistently. 106:6 p 3 in F530313-AI_supporting_document_final.pdf
Final:	Broad definition in line with international approaches
Score:	1
Policy Issue II: Risk-based approach	
Preference:	AmCham EU was pleased to see the approach taken by the Commission in their White Paper proposing a risk-based, use case specific approach focused on high-risk AI applications 106:1 p 2 in F530313-AI_supporting_document_final.pdf We have long called for a risk-based approach to AI regulation and fully support the view that AI legislation must be targeted and focused on problems which are not already covered by existing legislation. 106:2 p 3 in F530313-AI_supporting_document_final.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530321 - BITKOM FEDERAL ASSOCIATION FOR INFORMAL TECHNOLOGY, TELECOMMUNICATION AND NEW MEDIA

Policy Issue I: Establishing a new regulatory framework

Preference:	At the outset, we would like to stress that we welcome the objectives of the European Commission in general: Support the EU in becoming leader in AI (chapter 4: ecosystem of excellence) complemented by introducing new safeguards for citizens (chapter 5: ecosystem of trust). 107:1 p 1 in F530321-Bitkom_EUCOM_Consultation_White_Paper_on_AI.pdf We do not see the need for a specific AI-regulation throughout Europe. Before such regulation is introduced, it should be examined in detail from a legal point of view where there are blank spots on the EU regulation map and where significant restrictions of the digital single market are imposed by regulations in member states. 107:2 p 1 in F530321-Bitkom_EUCOM_Consultation_White_Paper_on_AI.pdf There must be evident need for regulation, particularly in the context of the goal to establish an attractive ecosystem for innovation and excellence 107:4 p 1 in F530321-Bitkom_EUCOM_Consultation_White_Paper_on_AI.pdf Overall, we don't see major gaps in EU legislation. The law applies without regard to a certain technology. Consequently it seems not only inadequate, but rather detrimental to create specific law only for AI. 107:5 p 7 in F530321-Bitkom_EUCOM_Consultation_White_Paper_on_AI.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	The scope of the white paper's suggestions should be further clarified in terms of whether the proposals refer to AI, machine learning or automated decision making and its impact on humans, which we will elaborate on in later comments. 107:3 p 1 in F530321-Bitkom_EUCOM_Consultation_White_Paper_on_AI.pdf Besides, there is no agreed upon mechanism for classifying AI applications as such. 107:6 p 7 in F530321-Bitkom_EUCOM_Consultation_White_Paper_on_AI.pdf AI and algorithmic systems must be defined in a way which makes them easy to handle for the economic operators involved (developer, deployer, producer etc.) to determine if a specific data-driven application meets the criteria AI/algorithmic system. 107:7 p 7 in F530321-Bitkom_EUCOM_Consultation_White_Paper_on_AI.pdf
Final:	Broad definition in line with international approaches
Score:	1
Policy Issue III: Risk-based approach	
Preference:	It is very important that the regulatory framework under discussion for high-risk AI applications does not create serious burdens that prevent companies and society from developing and using high-risk AI applications in and in the EU. 107:8 p 7 in F530321-Bitkom_EUCOM_Consultation_White_Paper_on_AI.pdf A combination of defining relevant sectors and relevant use-cases within the sector could be a reasonable way to identify high-risk AI-systems, for the purpose of keeping strict and burdensome requirements proportional. While a sector-approach alone could lead to overly extensive regulation, solely looking at specific use-cases across all sectors could lead to a very high level of complexity and bureaucracy. 107:9 p 12 in F530321-Bitkom_EUCOM_Consultation_White_Paper_on_AI.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530349 - FÉDÉRATION FRANÇAISE DE L'ASSURANCE (FRENCH INSURANCE FEDERATION (FFA))

Policy Issue I: Establishing a new regulatory framework	
Preference:	French insurers welcome the Commission's determination to strengthen the European digital policy and more specifically to address the importance of developing artificial intelligence (AI). 108:1 p 1 in F530349-2020_06_14_FFA_position_paper_on_the_EC_White_Paper_on_AI_and_Annex_of_the_consultation_response.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	To ensure the use of trusted AI while promoting its development, the scope of this framework should be limited to high-risk activities.Insurers request further elaboration of high-risk AI definition, it seems essential to quickly define accurately and thoroughly this notion. On the basis of a clear and precise definition, care should be taken to avoid over-regulating a large number of activities and hindering their development. Indeed, AI is currently deployed in many insurance activities that do not present any risks for the users such as process automation (e.g. document reading), customer relationship tasks (e.g. chatbot, image recognition, etc.). Furthermore, insurance should not be seen as a high-risk sector as a whole. Insurers assist their policyholders at every important stage of their lives as well as on their daily routine. Certain insurers' activities may be related to sectors that could raise risks (e.g. transport or health) and which should be qualified as such, so that the risk associated by the related AI applications will then be assessed. It would, however, not make any sense to individualize the insurance sector and to categorize the great variety of its activities as a sole high-risk sector. 108:2 p 2 in F530349-2020_06_14_FFA_position_paper_on_the_EC_White_Paper_on_AI_and_Annex_of_the_consultation_response.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	2

F530350 - FÉDERATION BANCAIRE FRANÇAISE (FRENCH BANKING FEDERATION (FBF))

Policy Issue I: Establishing a new regulatory framework	
Preference:	No new AI regulatory framework needed 109:7 p 7 in F530350-FBF-AI_Position-Paper_for-release_20200614.pdf In all cases, the principle of technological neutrality has to be guaranteed, also if an adaptation – at the margin – of the current regulation is needed 109:9 p 7 in F530350-FBF-AI_Position-Paper_for-release_20200614.pdf In our view, a regulation could hinder the development of AI in the banking sector. AI is in a phase of appropriation and exploration by the banking sector. In addition, the use of human expertise (data scientist, compliance and legal officer, client managers, etc.) remains essential to guarantee the quality and security of AI-related processing. 109:10 p 8 in F530350-FBF-AI_Position-Paper_for-release_20200614.pdf

Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	The concept of "Artificial Intelligence" (AI) is based on terms that can sometimes seem overused, as it is used generically to cover multiple technologies. 109:1 p 1 in F530350-FBF-AI_Position-Paper_for-release_20200614.pdf In order to identify current practices in the banking world, it is therefore important to define what is meant by AI at the present time. It could be defined as follows: "cognitive technologies which rely on large volumes of structured or unstructured data (Big Data)". It would perhaps be more appropriate to speak of "cognitive intelligence" defined as "any treatment/any modelling of unstructured data which emulates/replaces the cognitive capacities of man". 109:2 p 1 in F530350-FBF-AI_Position-Paper_for-release_20200614.pdf This field is constantly evolving. This definition and the fields making up the perimeter of AI are likely to evolve. It is therefore necessary to challenge and if necessary, to adapt these elements with time and context. 109:3 p 1 in F530350-FBF-AI_Position-Paper_for-release_20200614.pdf So, it would be a bit restrictive to limit AI to machine learning 109:4 p 1 in F530350-FBF-AI_Position-Paper_for-release_20200614.pdf
Final:	Broad definition in line with international approaches
Score:	0
Policy Issue III: Risk-based approach	
Preference:	AI usage in the financial sector: The concerns flagged by the European Commission are valid, yet not all are relevant to financial sector. The sector being heavily regulated, risk management frameworks in place can help to ensure effective mitigation. This framework relies on risk assessment criteria that should be defined and linked to applications and use cases, not to underlying technology. 109:5 p 7 in F530350-FBF-AI_Position-Paper_for-release_20200614.pdf We do not think that new rules are needed. Guidance on AI issues produced collaboratively by competent authorities for different sectors could help firms apply their obligations under different regulatory regimes effectively to AI use cases. If the Commission decides to proceed with a horizontal regulation, we support the risk-based approach taken in the White Paper to focus on high-risk applications and high-risk usages. We also recommend the adoption of a principle of technological neutrality. Legal requirements should not apply to the underlying technology but to the use which it is put. The concept of risks should be extended to all risks that could have serious consequences, ranging from the (physical, etc.) risks mentioned in the White Paper to the risks of manipulation of opinion, risks to democracy, psychosocial risks… We can understand the need to better manage AI (whatever the level of risk), but this can be done by appropriate governance. For all AI models, it is possible indeed to develop internal policies and governance within all Companies to supervise and manage risks. 109:11 p 8 in F530350-FBF-AI_Position-Paper_for-release_20200614.pdf Risk-based approach in the banking sector: The risk-based approach is already very widespread in the very strict and highly supervised regulatory framework of the banking and financial sector. Financial and insurance organizations are particularly vigilant about respecting the law and respecting customers. Not all business sectors have the same rigor or the same ethics. 109:12 p 9 in F530350-FBF-AI_Position-Paper_for-release_20200614.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria

Score:	0

F530496 - GESAMT VERBAND DER DEUTSCHEN VERSICHERUNGEN (GDV - GERMAN INSURANCE ASSOCIATION)

Policy Issue I: Establishing a new regulatory framework	
Preference:	The German insurance industry endorses the specific European approach taken by the EU-Commission to leverage the enormous potential of data and algorithmic systems for sustainable economic growth and societal wellbeing in Europe while adequately addressing potential risks. 110:1 p 2 in F530496-GDV_Position_Paper_AI_White_paper.pdf The EU-Commission's approach to first assess the effectiveness of the current regulatory framework with regard to AI is sensible. As the Commission correctly determines, the existing EU-legislation is fully applicable to AI-applications 110:2 p 2 in F530496-GDV_Position_Paper_AI_White_paper.pdf It is commendable that the Commission wishes to create the right incentives for the adoption of AI, but in most cases sufficient business incentives would already be there 110:3 p 2 in F530496-GDV_Position_Paper_AI_White_paper.pdf
Questionnaire:	Other
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	The scope of future legislation must be precisely defined. The White Paper rightly states that defining the scope is a central issue for the future specific legal framework for AI. The working hypothesis of the White Paper is that the legal framework should apply to products and services involving AI. It is therefore necessary - also according to the ideas of the EU Commission - that AI is clearly defined. 110:7 p 4 in F530496-GDV_Position_Paper_AI_White_paper.pdf As such, algorithms that do not incorporate any form of machine learning or self-improvement should by definition not be subject to AI-regulation. 110:8 p 4 in F530496-GDV_Position_Paper_AI_White_paper.pdf
Final:	Broad definition in line with international approaches
Score:	0
Policy Issue III: Risk-based approach	
Preference	We welcome the EU-Commission's recommendation to choose a risk- based regulatory approach. What is crucial for the effectiveness of this approach is the correct classification of the algorithmic systems into the different levels of risk. 110:4 p 3 in F530496-GDV_Position_Paper_AI_White_paper.pdf A risk-based approach is important to help ensure that the regulatory intervention is proportionate. However, clear criteria are required to differentiate between the different AI applications, in particular in relation to the question whether or not they are 'high-risk' 110:5 p 3 in F530496-GDV_Position_Paper_AI_White_paper.pdf In our view these exceptional cases should be strictly limited if the EU Commission does not want to weaken its own good approach. If there are exceptions to the two-factor approach, these should be clearly defined. 110:6 p 4 in F530496-GDV_Position_Paper_AI_White_paper.pdf Insurance industry is not a high-risk sector 110:9 p 4 in F530496-GDV_Position_Paper_AI_White_paper.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria

Score:	2

F530501 - ACT | THE APP ASSOCIATION

Policy Issue I: Establishing a new regulatory framework	
Preference:	The App Association appreciates the efforts of European leaders to develop a policy approach to AI that will bring its benefits to all EU subjects balanced with necessary safeguards to protect consumers. 111:3 p 2 in F530501-AI-policy-principles-ACT.pdf
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	1
Policy Issue II: Defining AI	
Preference:	An encompassing term, AI entails a range of approaches and technologies, such as machine learning (ML), where algorithms use data, learn from it, and apply their newly-learned lessons to make informed decisions, and deep learning, where an algorithm based on the way neurons and synapses in the brain change as they are exposed to new inputs allows for independent or assisted decision-making. 111:2 p 2 in F530501-AI-policy-principles-ACT.pdf Computer-based services they use, typically in the form of streamlined processes, image analysis, and voice recognition, all forms of what we consider "narrow" AI. These narrow applications of AI already provide great societal benefit. 111:4 p 2 in F530501-AI-policy-principles-ACT.pdf
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	Policy frameworks should utilize risk-based approaches to ensure that the use of AI aligns with the recognized standards of safety, efficacy, and equity 111:1 p 2 in F530501-AI-policy-principles-ACT.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530509 - KEIDANREN

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	Current legislation may have some gaps
Final:	There is new legislation
Score:	0
Policy Issue II: Defining AI	
Preference:	However, the European Commission uses a very broad definition of its envisioned AI, encompassing AI systems using deep learning and other forms of machine learning, AI based on symbol manipulation, as well as a broad range of information systems beyond the bounds of AI, such as technologies combining data, algorithms, and computing power

	whose reasoning process is not a “black box.” While the difficulty of defining AI is understandable, careful thought still needs to be given to its definition since no entity has yet succeeded in coming up with a widely accepted precise definition. 112:1 p 1 in F530509-Keidanren_Comments.pdf We hope for more in-depth discussions by the OECD and other like-minded nations toward the establishment of international rules on AI development and utilization that will ensure the promotion of innovation. 112:2 p 3 in F530509-Keidanren_Comments.pdf
Final:	Broad definition in line with international approaches
Score:	2
Policy Issue III: Risk-based approach	
	AI is simply a tool, so it is inappropriate to think of AI itself as high-risk. The technology itself does not constitute any risk; risks are brought about by how this technology is used and its users. It is more appropriate to define “high-risk applications” and “high-risk users.” Furthermore, it is necessary to promote a correct understanding and enhance ethical awareness for the proper use of this tool in order to prevent the emergence of high-risk operations and users. Since the social environment will also undergo radical changes with technological innovation, regulation is not only impractical for private businesses, but may also impede the regulators’ ability to adapt to future technological advances. It is premature to define and regulate high-risk AI at this point. The definition of high-risk AI may cause the withering of technological development in the defined areas. It is also important to take into account not only the potential damages that may arise from AI, but also the potential social losses resulting from the erosion of benefits that AI would have brought due to regulation. Excessive regulation could become an obstacle to innovation that contributes to the development of industries and the resolution of social issues in Europe. Therefore, what should be defined at this point are not regulations but rather guidelines. 112:3 p 4 in F530509-Keidanren_Comments.pdf A risk-based approach is indeed important. However, for the sake of technological advancement, a scheme for trial operation under a certain extent of oversight should also be considered in cases where AI utilization deemed to be high-risk is also an extremely high-performance system. 112:4 pp 5 – 6 in F530509-Keidanren_Comments.pdf When considering the definition of high-risk AI in the future, there need to be thorough prior discussions on risk assessment by diverse stakeholders, and the definition of “high risk” must only be applied to AI that carries truly serious risks. As stated in the White Paper, it is necessary to ensure legal stability and predictability through a clear determination of what constitutes high risk 112:5 p 6 in F530509-Keidanren_Comments.pdf
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	1

F530427 - FEDIL - THE VOICE OF LUXEMBOURG INDUSTRIES
Note: document cannot be accessed

Policy Issue I: Establishing a new regulatory framework	
Preference:	-
Questionnaire:	No opinion
Final:	There is new legislation
Score:	-
Policy Issue II: Defining AI	

Preference:	-
Final:	Broad definition in line with international approaches
Score:	-
Policy Issue III: Risk-based approach	
Preference:	-
Final:	The Commission developed a more nuanced risk-based approach with 4 risk-categories without the originally proposed sector criteria
Score:	-

ANNEX III: PREFERENCE ATTAINMENT

Total Preference Attainment - NGO's

Reference	Organisation name	Transparency register number	Policy Issue I: Establishing a new regulatory framework	Policy Issue II: Definition	Policy Issue III: Risk-based Approach
Large (250 or more)					
F514709	**Standing Committee of European Doctors (CPME)**	9276943405-41	2/2	1/2	-
F530120	**World Economic Forum's Centre for the Fourth Industrial Revolution**	049060636194-17	2/2	-	2/2
F530143	**Amnesty International**	11063928073-34	2/2	-	0/2
F530233	**Confederation of Laboratories for Artificial Intelligence Research in Europe (CLAIRE, AISBL)**	205170133342-09	1/2	0/2	1/2
F530274	**European Law Institute**	455458212010-50	-	-	-
Small (< 50 employees)					
F514729	**EUROCITIES**	12493392840-79	2/2	1/2	1/2
F529896	**European Women's Lobby**	85686156700-13	1/2	0/2	1/2
F529923	**Business & Science Poland**	548212735276-89	1/2	-	1/2
F529937	**Council of Bars and Law Societies of Europe (CCBE)**	4760969620-65	0/2	-	2/2
F530031	**Open Knowledge Foundation**	970709235835-50	2/2	-	0/2
F530074	**AGE Platform Europe**	16549972091-86	0/2	-	-
F530107	**Center for Democracy and Technology**	57305017757-64	0/2	0/2	2/2
F530127	**ECNL- European Center for Not-for-Profit Law Stichting**	052513138393-62	0/2	-	1/2
F530219	**European Network of National Human Rights Institutions**	684831617188-52	2/2	-	0/2
F530230	**Civil Liberties Union for Europe**	544892227334-39	0/2	-	-
F530251	**European Public Health Alliance (EPHA)**	18941013532-08	1/2	-	-
F530254	**Victim Support Europe**	83945428894-94	1/2	-	1/2

F530260	**Platform for International Cooperation on Undocumented Migrants (PICUM)**	19093363838-48	0/2	-	0/2
F530261	**World Federalist Movement - Institute for Global Policy Transnational Working Group on the Global Governance of AI and Disruptive Technologies**	407363614347-45	1/2	-	1/2
F530285	**The Future Society**	473310732515-30	2/2	-	-
F530294	**ENAR - European Network Against Racism**	09854512780-89	0/2	-	-
F530299	**AlgorithmWatch**	268308931088-81	2/2	-	2/2
F530368	**Open Society European Policy Institute**	8557515321-37	0/2	1/2	-
F530403	**Fair Trials**	302540016347-29	2/2	-	-
F530499	**European Digital Rights (EDRi)**	16311905144-06	0/2	0/2	2/2
F530506	**European Disability Forum (EDF)**	57868523887-16	0/2	-	0/2
Medium (< 250 employees)					
F529839	**European Women Lawyers Association, Brussels**	730379225729-59	2/2	-	2/2
F530046	**Wikimedia (Free Knowledge Advocacy Group)**	191538712765-84	2/2	0/2	-
F530289	**Swedish AI Society**	653642831085-59	1/2	0/2	-
F530324	**Deutscher Anwaltverein e.V. (German Bar Association) (DAV)**	87980341522-66	2/2	1/2	2/2
F530361	**European Society of Radiology**	478131313572-40	1/2	-	1/2
F530364	**Avaaz Foundation**	475565317526-24	2/2	-	1/2
F530410	**EURORDIS - Rare Diseases Europe**	93272076510-87	1/2	-	1/2

Total Preference Attainment – Academia / Research Institutions

Reference	Organisation name	Transparency register number	Policy Issue I: Establishing a new regulatory framework	Policy Issue II: Definition	Policy Issue III: Risk-Based Approach
Large (250 or more)					
F528952	**Commissariat à l'énergie atomique et aux énergies alternatives (CEA)**	52774696782-43	1/2	1/2	1/2
F529948	**Erasmus School of Law, Erasmus University Rotterdam**	256691740170	2/2	-	1/2
F530005	**The Brookings Institution**	177994617312-19	2/2	-	2/2
F530085	**Finnish Center for Artificial Intelligence (FCAI)**	039049138497-12	1/2	0/2	2/2
F530132	**Radboud AI, Radboud University Nijmegen**	806205726728-39	1/2	1/2	2/2
F530284	**Nesta**	384071617717-17	2/2	-	-
F530314	**University of Cambridge**	420093131813-97	-	-	-
F530378	**Universidad Politecnica de Madrid**	555819220647-67	2/2	-	1/2

F530476	**Inria**	373620420777-24	-	1/2	1/2
Small (< 50 employees)					
F529175	**JODI - Juridical Observatory on Digital Innovation**	164451038125-33	1/2	-	1/2
F530013	**Center for Religious Studies of Fondazione Bruno Kessler (FBK-ISR)**	488774727597-70	1/2	-	-
F530168	**The Information Technology and Innovation Foundation (ITIF).**	923915716105-08	1/2	-	1/2

Total Preference Attainment – Companies

Reference	Organisation name	Transparency Register Number	POLICY ISSUE I: ESTABLISHING NEW FRAMEWORK	POLICY ISSUE II: DEFINITION	POLICY ISSUE III: RISk-BASED APPROACH
Large (250 or more)					
F516955	**BMW AG**	7193977808-18	1/2	2/2	2/2
F519146	**Biogen**	966165310889-60	1/2	2/2	1/2
F528881	**Arm Ltd**	532086816465-17	1/2	1/2	0/2
F528940	**ARD, Co-operative of Public Service Broadcasting Organisations in Germany**	ARD-6774178922-55	1/2	-	1/2
F528943	**GOOGLE**	03181945560-59	1/2	0/2	1/2
F529840	**Equifax**	232484027628-74	0/2	-	1/2
F529854	**Palantir Technologies Inc.**	553786035745-66	1/2	-	1/2
F529971	**Sanofi**	61291462764-77	1/2	-	1/2
F529973	**Telenor**	74126393166-46	0/2	-	1/2
F529980	**ORANGE**	76704342721-41	0/2	2/2	1/2
F530020	**Mastercard**	58204758673-16	0/2	-	0/2
F530033	**Intesa Sanpaolo**	24037141789-48	0/2	1/2	2/2
F530057	**RELX**	338398611148-62	0/2	2/2	2/2
F530068	**Siemens Healthineers AG**	982823533509-58	0/2	-	0/2
F530081	**European Payment Institutions Federation (EPIF)**	461826311486-83	-	-	-
F530086	**CSC - IT Center for Science Ltd.**	098297335667-27	0/2	-	1/2
F530104	**Ingka Group / IKEA**	1095068839-59	0/2	0/2	1/2
F530108	**Adobe**	575371411483-96	1/2	1/2	1/2
F530113	**Deloitte**	782529817171-84	2/2	-	1/2
F530116	**FUJITSU**	441732425040-02	0/2	-	1/2
F530118	**Zalando SE**	877966419254-70	1/2	-	2/2
F530124	**Philips**	035366013790-68	0/2	-	-
F530173	**Visa Europe**	61954192201-58	0/2	0/2	1/2
F530188	**Atos SE**	249876817241-03	1/2	-	-
F530196	**Getty Images (UK) Ltd**	994509831613-80	0/2	-	2/2
F530198	**Workday, Inc.**	021253717373-58	1/2	-	1/2
F530212	**Microsoft Cooperation**	0801162959-21	0/2	1/2	1/2
F530234	**Aviva**	86270761494-62	0/2	-	1/2

F530235	**Autodesk, Inc.**	684824020045-19	1/2	-	-
F530240	**Twilio Inc.**	067223231522-58	1/2	-	2/2
F530242	**Amazon Europe Core Sarl**	366117914426-10	0/2	-	1/2
F530250	**Xperi Holding Corporation**	Xperi4018061850	0/2	0/2	0/2
F530273	**BlackBerry Limited**	251259032370-30	-	-	1/2
F530288	**Salesforce**	991195317279-06	0/2	-	1/2
F530293	**Prosus N.V.**	891417815208-71	0/2	-	1/2
F530298	**Huawei Technologies**	114467111412-38	0/2	-	2/2
F530310	**Bloomberg L.P.**	214140728444-40	0/2	-	-
F530319	**IBM**	7721359944-96	0/2	2/2	2/2
F530352	**Facebook Ireland Limited**	28666427835-74	1/2	2/2	2/2
F530385	**Booking.com**	146537115285-34	1/2	-	1/2
F530399	**Nokia**	35167875358-33	0/2	1/2	2/2
F530412	**IDEMIA**	904218833588-78	-	-	1/2
F530481	**DNV GL**	414057515145-62	2/2	-	-
F530497	**Fortum**	03501997362-71	1/2	-	2/2
F530517	**Deutsche Börse Group**	20884001341-42	0/2	0/2	1/2
Medium (< 250 employees)					
F530023	**Association for Financial Markets in Europe (AFME)**	65110063986-76	0/2	1/2	2/2
F530351	**Health Information Management Systems Society/Personal Connected Health Alliance**	431651836022-33	1/2	2/2	0/2
Small (< 50 employees)					
F530102	**ESBG (European Savings and Retail Banking Group)**	8765978796-80	0/2	-	2/2
F530162	**DIGITALEUROPE**	64270747023-20	0/2	2/2	1/2

Total Preference Attainment – Business Associations

Reference	Organisation Name	Transparency register number	Policy Issue I: Establishing a new regulatory framework	Policy Issue II: Definition	Policy Issue III: Risk-based Approach
Small (< 50 employees)					
F528954	**European Association of Automotive Suppliers (CLEPA)**	91408765797-03	1/2	1/2	1/2
F529996	**Insurance Europe**	33213703459-54	0/2	-	1/2
F530044	**European Automobile Manufacturers Association (ACEA)**	0649790813-47	0/2	2/2	2/2
F530100	**Swedish Bankers' Association**	53517281038-30	1/2	-	1/2
F530156	**Information Technology Industry Council (ITI)**	061601915428-87	-	2/2	2/2
F530160	**European Association of Co-operative Banks (EACB)**	4172526951-19	0/2	-	0/2
F530202	**European Banking Federation**	4722660838-23	0/2	1/2	1/2
F530256	**SEMI Europe**	402302029423-14	-	-	-

F530264	**Software & Information Industry Association (SIIA)**	502425118410-86	1/2	0/2	1/2
F530265	**EuroCommerce**	84973761187-60	0/2	1/2	1/2
F530313	**American Chamber of Commerce to the European Union (AmCham EU)**	5265780509-97	0/2	1/2	1/2
F530427	**FEDIL - The Voice of Luxembourg's Industry**	286194516022-33	-	-	-
F530501	**ACT | The App Association**	72029513877-54	1/2	-	1/2
Medium (< 250 employees)					
F529929	**Confederation of Finnish Industries EK**	1274604847-34	1/2	2/2	2/2
F530018	**Ibec**	479468313744-50	1/2	-	1/2
F530114	**Federation of German Industries (BDI)**	1771817758-48	1/2	0/2	2/2
F530145	**BSA | The Software Alliance**	75039383277-48	1/2	1/2	1/2
F530180	**Technology Industries of Finland**	39705603497-38	0/2	-	-
F530231	**European Federation of Pharmaceutical Industries and Associations (EFPIA)**	38526121292-88	0/2	-	1/2
F530321	**Bitkom Federal Association for Information Technology, Telecommunications and New Media**	535 183 0264-31	0/2	1/2	1/2
F530349	**Fédération Française de l'Assurance (FFA - French Insurance Federation)**	5149794935-37	0/2	-	2/2
F530350	**Fédération Bancaire Française**	09245221105-30	0/2	0/2	0/2
F530496	**Gesamtverband der Deutschen Versicherungswirtschaft e.V.**	6437280268-55	0/2	0/2	2/2
F530509	**Keidanren**	267303827175-27	0/2	2/2	1/2
Large (250 or more)					
F530149	**VDMA - German Engineering Association**	976536291-45	0/2	2/2	1/2
F530185	**United States Chamber of Commerce**	483024821178-51	-	0/2	2/2

ANNEX IX: INFORMATION SUPPLIED

Information supplied - Academia / Research institutions

Interest Group	**Information supplied Policy Issue I**	**Information supplied Policy Issue II**	**Information supplied Policy Issue III**
Finnish Center for Artificial Intelligence (FCAI)	86	230	192
Radboud AI, Radboud University Nijmegen	-	47	187
Inria	41	33	56
JODI - Juridical Observatory on Digital Innovation	-	-	45
The Information Technology and	329	15	56

Innovation Foundation (ITIF)			
Erasmus School of Law, Erasmus University Rotterdam	-	-	260
University of Cambridge	-	-	-
The Brookings Institution	56	-	270
Nesta	11	-	-
Commissariat à l'énergie atomique et aux énergies alternatives (CEA)	62	32	105
Center for Religious Studies of Fondazione Bruno Kessler (FBK-ISR)	59	-	-
Universidad Politécnica de Madrid	156	-	58
Total	805	357	1229

Information supplied - NGO's

Interest Group	**Information supplied Policy Issue I**	**Information supplied Policy Issue II**	**Information supplied Policy Issue III**
European Public Health Alliance (EPHA)	38	-	-
European Society of Radiology	77	-	42
EURORDIS - Rare Diseases Europe	129	-	172
European Network of National Human Rights Institution	36	-	78
European Women's Lobby	50	72	18
Amnesty International	30	-	27
Civil Liberties Union for Europe	12	-	-
Victim Support Europe	88	-	18
ENAR - European Network Against Racism	-	-	-
Avaaz Foundation	159	-	59
European Law Institute	-	-	-
Council of Bars and Law Societies of Europe (CCBE)	115	-	246
Deutscher Anwaltverein e.V. (German Bar Association) (DAV)	19	88	166
European Women Lawyers Association, Brussels	145	-	49
Fair Trials	102	-	-
World Economic Forum's Centre for the Fourth Industrial Revolution	-	-	102

Confederation of Laboratories for Artificial Intelligence Research in Europe (CLAIRE, AISBL)	28	148	16
Center for Democracy and Technology	59	58	128
AlgorithmWatch	101	-	112
European Digital Rights (EDRi)	48	91	192
Open Knowledge Foundation	28	-	28
Wikimedia (Free Knowledge Advocacy Group)	-	54	-
Swedish AI Society	-	247	-
The Future Society	53	-	-
Business & Science Poland	163	-	34
Open Society European Policy Institute	158	27	-
World Federalist Movement - Institute for Global Policy Transnational Working Group on the Global Governance of AI and Disruptive Technologies	65	-	29
Platform for International Cooperation on Undocumented Migrants (PICUM)	-	-	64
ECNL - European Center for Not-for-Profit Law Stichting	76	-	140
AGE Platform Europe	22	-	-
EUROCITIES	44	25	96
European Disability Forum (EDF)	13	-	142
STANDING COMMITTEE OF EUROPEAN DOCTORS CPME	15	18	-
Total	1.875	828	1.958

Information supplied - Business Associations

Interest Group	**Information supplied Policy Issue I**	**Information supplied Policy Issue II**	**Information supplied Policy Issue III**
European Association of Automotive Suppliers (CLEPA)	44	90	57
European Automobile Manufacturers Association (ACEA)	58	103	198
Insurance Europe	85	-	101
Fédération Française de l'Assurance (FFA -	28	-	197

French Insurance Federation)			
Gesamtverband der Deutschen Versicherungswirtschaft e.V.	109	100	133
Swedish Bankers' Association	108	-	61
European Association of Co-operative Banks (EACB)	97	-	62
European Banking Federation	169	70	150
Fédération Bançaire Française	98	161	301
Information Technology Industry Council (ITI)	135	66	223
SEMI Europe	31	-	-
Software & Information Industry Association (SIIA)	48	121	142
ACT | The App Association	36	104	27
BSA | The Software Alliance	131	131	180
Bitkom Federal Association for Information Technology, Telecommunications and New Media	172	101	104
EuroCommerce	188	128	210
American Chamber of Commerce to the European Union (AmCham EU)	30	47	70
FEDIL - The Voice of Luxembourg's Industry	-	-	-
United States Chamber of Commerce	196	175	273
Confederation of Finnish Industries EK	-	106	99
Ibec	154	-	110
Federation of German Industries (BDI)	119	61	201
Technology Industries of Finland	169	14	-
Keidanren	-	133	335
European Federation of Pharmaceutical Industries and Associations (EFPIA)	121	-	83
VDMA - German Engineering Association	261	26	162
Total	2.587	1.647	3.479

Information supplied - Companies / Business Organizations

Interest Group	**Information supplied Policy Issue I**	**Information supplied Policy Issue II**	**Information supplied Policy Issue III**

BMW AG	-	164	216
Biogen	-	32	139
Sanofi	-	-	70
Arm Ltd	44	207	92
GOOGLE	194	306	246
Palantir Technologies Inc.	91	-	195
CSC - IT Center for Science Ltd.	36	-	105
Adobe	-	356	306
Fujitsu	202	-	64
Zalando SE	-	-	129
Atos SE	-	-	-
Getty Images (UK) Ltd	-	-	224
Workday, Inc.	-	-	242
Microsoft Cooperation	254	169	294
Autodesk, Inc.	-	-	-
Twilio Inc.	178	-	348
Amazon Europe	70	-	67
Xperi Holding Corporation	70	62	152
BlackBerry Limited	43	62	81
Salesforce	113	-	398
Huawei Technologies	-	-	229
IBM	93	282	279
Facebook Ireland Limited	-	245	386
Booking.com	28	-	236
Nokia	-	30	346
IDEMIA	62	-	57
ARD, Co-operative of Public Service Broadcasting Organisations in Germany	30	-	83
Telenor	51	-	135
ORANGE	41	127	169
Bloomberg L.P.	-	-	-
Equifax	33	-	109
Mastercard	112	-	34
Intesa Sanpaolo	27	159	131
RELX	-	96	572
European Payment Institutions Federation (EPIF)	95	-	-
Visa Europe	168	327	317
Deutsche Börse Group	68	63	73
Association for Financial Markets in Europe (AFME)	25	854	171
ESBG (European Savings and Retail Banking Group)	98	-	392
Siemens Healthineers AG	-	-	48
Philips	79	-	-
Health Information Management Systems Society/Personal	60	82	253

Connected Health Alliance			
Ingka Group / IKEA	-	88	128
Deloitte (on behalf of all firms in the EU)	49	-	32
DNV GL	-	-	-
Fortum	-	22	158
Prosus N.V.	-	18	211
DIGITALEUROPE	-	24	28
AVIVA	29	100	45
Total	2.443	3.775	7.990