

EDiMA welcomes the opportunity to provide feedback on this Roadmap. EDiMA and its members can offer insight into the interplay between the technical aspects of AI and its broader impact on the economy and society, and are committed to maximising the benefits of AI for Europe. While the current and potential benefits of AI are numerous, concerns about AI are important and legitimate, and should not be discounted. Developments in AI are advancing quickly and will have a transformative impact on our society, so we agree with the Commission on the importance of fostering an ecosystem of trust.

The need for a clear, workable definition

A crucial prerequisite for targeted and effective regulation will be to clearly define AI. A delicate balance needs to be struck between avoiding an overly-broad definition, encompassing all contemporary software systems, and an excessively narrow definition, which could quickly become outdated due to the rapid pace of digital innovation.

A sensible definition of 'high-risk AI' is also vital, and the two-step approach proposed in the EC's White Paper goes in the right direction. We strongly recommend removing vague and open-ended clauses from the risk definition - such as "exceptional instances" and "immaterial damage" - to improve legal certainty and avoid any potential overreach. The process to decide whether new sectors should be added to the list of 'high-risk sectors' must also be robust and transparent, also considering the views of relevant experts and consulting with all stakeholders.

A balanced approach to tackle future AI challenges

EDiMA members continue to agree with the White Paper's viewpoint that regulatory oversight should be limited to applications carrying the highest risks for users. A legislative instrument covering all types of AI applications - regardless of risk of harm, as mentioned in the Roadmap - would be unnecessary and disproportionate, with detrimental implications for innovation and competitiveness in the European economy, as well as for consumers. A wide intervention also bears its own risks in limiting certain AI technologies which are themselves known to reduce harm. Furthermore, we believe that most of the concerns raised by AI applications are addressed through existing legislation, and there is merit in ensuring that this is properly implemented before putting in place any new AI-specific rules. For example, the GDPR, while the P2B Regulation and new consumer rules have recently revised transparency requirements for ranking guidelines.

We would also caution against the expansion of the scope of future AI regulation to the open-ended category of "automated decision making" – to do so would risk creating disproportionate regulatory obligations that would deter the development of automated systems that do not pose any risk nor harms.

Industry-led intervention: the most flexible way to anticipate and overcome AI challenges

EDiMA strongly believes that the best way to ensure that AI is trustworthy, secure and respectful of EU values and rules is a combination of ex-ante risk self-assessment and ex-post enforcement for high-risk AI applications.

Concerns related to AI are mostly factored into the development stages of the technology. Accounting for potential risk and having strong processes in place can help to minimise risks, which is essential to creating high quality products and services. An example of such a process is checking the quality of the datasets within the model used to train it, and by performing rigorous testing. It is essential that these processes are flexible in order to adapt to widely different applications of AI. Such a flexibility would also be needed if a single voluntary labelling system was to be considered. A labelling system that is



not flexible enough could quickly become outdated and provide false assurances to consumers, undermining their trust in AI applications.

EDiMA looks forward to working with the Commission on AI in the future.