The Regulation of Artificial Intelligence in the European Union: Assessing Whether the Proposed Legal Framework can Foster the Development of Compliant Artificial Intelligence Systems that Respect Fundamental Rights

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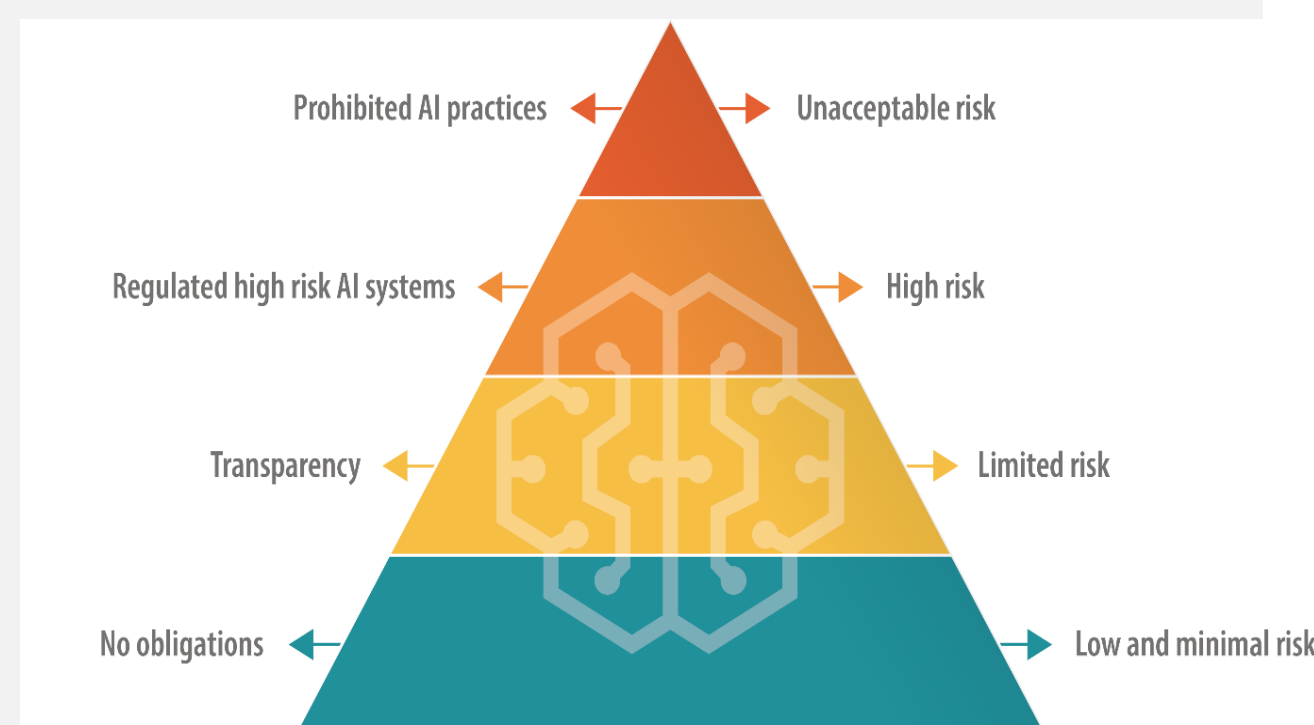
Timeline of AI Regulation in the EU

In 2017, artificial intelligence was mentioned as one of the "emerging trends".[1]
The European Commission decided to set up an expert group on AI in order to have an alliance of stakeholders and to reach extensive knowledge in 2018.[2]
This group turned into the High-level Expert Group on AI (HLAG) and the European AI Alliance.
On 19 February 2020, the European Commission released the White Paper on AI - A European approach to excellence and trust. [3]
On 21 April 2021, the European Commission sets out a proposed regulatory framework for Artificial Intelligence systems in its Artificial Intelligence Act (AI Act).
On 29 November 2021, the European Council released its draft compromise text. [4]

The main reason of the regulation

- The main reason is to preserve the single market strategy of the EU.

Proposed Model: Risk Assessment Model

- The AI Act follows a risk-based approach where different levels of risk are associated with different legal responsibilities.
- The risk-based approach categorizes risks.
- These are unacceptable risk, high risk, and low risk.

From European Parliament Briefing [5]

Prohibited AI practices — Unacceptable risk
Regulated high risk AI systems — High risk
Transparency — Limited risk
No obligations — Low and minimal risk

Research question:

How does the proposed AI Act attempt to regulate AI systems?

Sub-questions
I. Does the proposed AI Act provide a suitable framework for the regulation of AI systems?
II. How does the proposed AI Act provide for the protection of fundamental rights?
III. How does the AI Act interact with other areas of EU Law (including the Medical Devices Regulation)?
IV. How does the proposed AI Act facilitate the development and deployment of compliant and rights-protective AI systems?
    a. How does the framework help/hinder smaller developers?
    b. What is its likely effectiveness?
    c. How will proposals like the 'regulatory sandbox' work and what lessons can be learned from their implementation in other contexts? (e.g. potential learnings from use in Fin Tech and Data Protection contexts)

Aims of this research

This research aims to examine the proposed regulation, particularly from the perspective of stakeholders seeking to develop compliant AI systems that respond to societal challenges and respect fundamental rights.

Methodology* — a blend of qualitative research methods

'law in context' analysis :

I. Document analysis: This analysis aims to use some materials from the other social sciences and from other disciplines.
II. Expert Interviews: This research targets to understand how the draft regulation will be implemented and its impact on society and companies by interviewing as a method.

"How does my project contribute to solving the UN SDG challenges by leveraging industry and academic partnerships?"

This thesis aims to examine the proposed regulation, particularly from the perspective of those seeking to develop compliant AI systems that respond to societal challenges and respect fundamental rights. Thus, the research will contribute to the challenges below.

- Reduced Inequalities,
- Responsible Consumption & Production
- Peace, Justice & Strong Institutions
- Partnership for the Goals.

These challenges are also identified as UN SDGs as numbers 10, 12, and 16.
Research will also develop advice and findings for the public sector, governments and third sector/NGO organisations. To sum up, the research aims to address and present solutions for industry, academic partnerships and the academics.

Contact

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References
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[2] European Commission Press Corner 'Artificial intelligence: Commission kicks off work on marrying cutting-edge technology and ethical standards' *(09 March 2018)* <https://ec.europa.eu/commission/presscorner/detail/en/IP_18_1381>
[3] European Commission, White Paper on Artificial Intelligence - A European approach to excellence and trust, Brussels, 19.02.2020 COM(2020) 65 final, <https://ec.europa.eu/info/sites/default/files/commission-white-paper-artificial-intelligence-feb2020_en.pdf>
[4] 'Regulation of the European Parliament and of the Council Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act) and Amending Certain Union Legislative Acts- Presidency compromise text' 8115/20 <https://data.consilium.europa.eu/doc/document/ST-14278-2021-INIT/en/pdf>
[5] European parliament, EU Legislation in Progress (Briefing, 2021) , <https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698792/EPRS_BRI(2021)698792_EN.pdf>