

8 January 2019

Response to Consultation: Draft Ethics Guidelines for Trustworthy AI

Allied for Startups welcomes the draft ethics guidelines from the High-Level Expert Group on Artificial Intelligence, in particular its positivity and future-oriented character, and would like to contribute to an innovation and entrepreneurship-focused debate.

The sheer breadth and depth that the development and application of Artificial Intelligence offers can seem overwhelming. It invites taking a step back and asking more fundamental questions, such as: Why is AI being developed; Who are the practitioners who drive AI and dare to moonshot these ideas? In this process, doomsday scenarios can seem to address real fears people may have, blaming technology for unrelated problems. It is one reason why AFS welcomes the distinctly positive approach that these draft guidelines have taken. They form an invitation to a constructive dialogue, which we believe is necessary at such a formative time for AI.

As the guidelines rightly stipulate, it is neither desirable nor possible to provide a precise AI cookbook. Instead of prescriptive or technical instructions, a principled approach is chosen. It allows cost-benefit analysis on a case by case basis, leading to a tailored approach.

A principled approach is desirable and it should be measured against startups' abilities to enter a market and compete in it. Allied for Startups has long argued that AI needs to be understood through startups. As the smallest, innovative entities, they are the one's thinking about new opportunities and business models all the time. There is no "AI made in Europe" without startups. If these guidelines lead to highly bureaucratic and front loaded obligations, many entrepreneurs will think twice about their next startup. In other words, getting trustworthy AI by design is best achieved by making guidelines that inspire entrepreneurs to take bold decisions and think the unthinkable - with the human at the centre.

Startups are global from day one. A too strict definition along the lines of a 'made in' label contradicts the global character of startups. Many of them could be inspired abroad, try to refine their business model by learning from others, or build on something tried elsewhere. Oftentimes the best products and services aren't produced in one country, but are based on a series of learnings and components from across the world.

Instead, recognising that AI develops and grows globally means that there needs to be a global conversation. In areas of synergies, such a conversation can lead to a strong global community, in others it can help to identify European excellence. At the end of the day, such a conversation can also lead to a discussion on global governance of AI.

We recommend prioritising clarity with terminology and concepts, to the extent that the guidelines are understandable for an entrepreneur. It will be challenging to distinguish between personalisation and 'extreme' personalisation, or to understand what constitutes 'individual choice' (Chapter II. 1.6: Respect & Enhancement of Human Autonomy). Another example is the reference to 'human data' or a 'morally significant impact' (Chapter II. 1.10: Transparency). Legally ambivalent concepts will lead to costs and complexities that are not negligible for entrepreneurs. The guidelines should not be a legally nuanced text for experts, but intelligible for entrepreneurs.

Regarding conceptual clarity, being treated respectfully as an individual and being a data subject are not mutually exclusive (Chapter I. 3.1: Respect for Human Dignity).

In closing, we encourage experts to consider the comprehensive corpus of European laws that these guidelines will be complementing. When a new AI application emerges, it might not need not need a new law, but maybe an overhaul or an application of existing laws. In that light, we urge keeping laws simple, evidence driven and specific.