

EACA Feedback on “Artificial Intelligence – ethical and legal requirements” (Inception Impact Assessment)

The European Association of Communications Agencies (EACA) represents more than 2,500 communications agencies and agency associations from nearly 30 European countries that directly employ more than 120,000 people. EACA members include advertising, media, digital, branding and PR agencies.

EACA welcomes the European Commission's commitment to regularly consulting stakeholders at various stages of the decision-making process, including for roadmaps or Inception Impact Assessments. In our feedback, we would like to reiterate the points made during the Commission's public consultation on its White Paper on Artificial Intelligence:

On the trustworthy use of Artificial Intelligence

From our industry's point of view, concerns with AI are an extension of concerns with data use overall. AI exacerbates the risks involved in data use because of opaque decisioning, opaque use or opaque responsibility. However, the risks that are often associated with AI can be mitigated. For example, in the case of fundamental rights, through compliance with regulations, adherence to data processing standards for robustness, accuracy and security, or ethics guidelines and policies for data sets, goals and algorithms, application of decisions. Discriminatory outcomes can be mitigated through the use of bias detection software on data sets, goals and algorithms as standard. To be able to explain the rationale, record keeping for data sets, goals, algorithms is important, as well as recording decision making at the same time as decisions taking, and testing outcomes with different input data. The risk of low AI accuracy can be mitigated through the adherence to data processing standards; explicit statements of accuracy expectations; explicit statements of responsibility for accuracy (at company/team/individual level).

On the consideration of different policy options

We think that the concerns expressed by the Commission or the High Level Expert Group can be fully addressed through applicable EU legislation. The challenge is the definition of high-risk sectors or industries. It is the purpose of the AI model use that is key, not the industry. It is impossible to predict the long term impact of behaviour, therefore it is highly difficult to assume that we can know which industries are or will be high-risk in the future.

If new compulsory requirements had to be introduced, these should be limited to high-risk applications whereas a proper definition of high risk needs to be agreed. The challenge is the definition of high-risk sectors or industries. It is the purpose of the AI model use that is key, not the industry. It is impossible to predict the long term impact of behaviour, therefore it is highly difficult to assume that we can know which industries are or will be high-risk in the future.

Regarding the possibility of a voluntary labelling system, we would not be opposed to such a system. However, we believe that is unlikely to work. Any of the requirements suggested in the White Paper and in

this consultation will add cost, effort and paperwork without providing a competitive advantage – thereby lacking an incentive.

For more information or questions, please contact:

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