Status of the negotiations of the AI Act

1st of November 2022

Katinka Clausdatter Worsøe
## Agenda

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Content of the AI Act

Definition: What is AI?

Art.3.1: ‘artificial intelligence system’ (AI system) means software that is developed with one or more of the techniques and approaches listed in Annex I and can, for a given set of human-defined objectives, generate outputs such as content, predictions, recommendations, or decisions influencing the environments they interact with.

Annex I: Techniques and approaches

(a) Machine learning approaches, including supervised, unsupervised and reinforcement learning, using a wide variety of methods including deep learning;
(b) Logic- and knowledge-based approaches, including knowledge representation, inductive (logic) programming, knowledge bases, inference and deductive engines, (symbolic) reasoning and expert systems;
(c) Statistical approaches, Bayesian estimation, search and optimization methods.
Risk-based approach

- **Unacceptable risk**
  - e.g. social scoring
  - Prohibited

- **High risk**
  - e.g. recruitment, medical devices
  - "Transparency" risk
    - "Impersonation" (bots)
  - Permitted subject to compliance with AI requirements and ex-ante conformity assessment

- **Minimal or no risk**
  - Permitted but subject to information/transparency obligations
  - Permitted with no restrictions
Requirements for high-risk AI

- Human agency and oversight
- Technical robustness and safety
- Accountability
- Societal and environmental wellbeing
- Privacy and data governance
- Diversity, non-discrimination and fairness
- Transparency

To be continuously evaluated and addressed throughout the AI system’s life cycle.
Governance and Enforcement

- Based on New Legislative Framework
  - Use of harmonized standards → assumption of conformity
  - “Only” one conformity assessment → the requirements in the AI Act needs to be taken into account during the assessment undertaken subject to an Annex II legislation

- AI Board
  - Ensures cooperation between national authorities and gives recommendations regarding Commission guidance

- Sandboxes
Process

December 2021
Progress report in Council
IMCO and LIBE appointed in EP

June 2022
DK mandate

December 2022
General approach in Council

Q2/3 2025?
Entry into application

April 2021
Proposal tabled

November 2022
COREPER

Jan/Feb 2023?
EP report

Entry into application Q2/3 2025?
Status of negotiations in the Council

- Close to agreement
  - DK relatively happy – with the current government and according to our mandate
  - Few issues still to be finalized – particularly on annex III (high risk areas)
- COREPER planned for mid-November
- General approach expected in the beginning of December
Status of negotiations in EP

- Shared competence between IMCO (internal market) and LIBE (civil liberties)
  - 3,312 amendments...

- Priorities
  - Protection of fundamental rights
  - Enforcement at EU level
  - ...but also innovation and sandboxes

- Almost all issues still open

- Report expected in January/February
Next steps

- Trialogue in Q1-2-3-? 2023
- In DK preparations of implementation and guidance
  - Happy to receive input!
Questions?
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