Right Balance between Fostering Innovation and Trust Essential also for the Research Sector

Science Europe Response to the European Commission Inception Impact Assessment: Adapting Liability Rules to the Digital Age

Artificial Intelligence (AI) is already widely used across all sectors and in all parts of society and it bears a lot of potential for research, innovation, and the economy. Science Europe, the representation of major national research funding and performing organisations, welcomes the fact that the European Commission (EC) intends to update its liability rules for AI.

Clear EU-wide rules are important for both users and producers of AI systems from all sectors. A fragmented legal landscape with different national approaches would hinder cross-border collaboration and, consequently, innovation.

The EC's Inception Impact Assessment only focuses on the industry and business sectors, and does not take into consideration the important roles that research plays for AI and AI plays for research. Researchers and the organisations that fund and/or employ researchers will be impacted by any EU legislation regulating AI, as they are developers, producers, and users of AI systems. Researchers use AI to conduct research in any discipline, and research organisations increasingly use AI in research administration and management of projects and programmes.

Science Europe would like to underline the following points:

- **Widen the scope of the impact assessment to include research:** research organisations should be included in the impact assessment alongside industries and businesses as it should include all sectors involved in AI development and take all possible impacts into account when developing legislative proposals to regulate AI.
- **Strike a right balance to foster innovation and trust**: Rules must be clear for the producers of AI systems so they know their obligations, and for users to have all relevant information at hand to identify who is liable. Science Europe agrees with the EC that liability rules must strike the right balance between legal certainty for both users and consumers and fostering innovation. Rules should not create an environment where developers and producers do not dare to search for innovative solutions. Legal certainty is needed to increase users' trust in AI applications.
- **'Future-proof' rules**: The challenges that new emerging technologies present nowadays for liability rules will not cease to exist as there is no end to technological development. It is

therefore of utmost importance that any legislative framework is 'future-proof'. New legal frameworks have to be swiftly adaptable to new developments and their related risks.

- **Rely on existing expertise**: Sound, unbiased AI systems heavily depend on being trained with high-quality, unbiased data. The research sector has a lot of experience on data management, with good practices and established standards in place. Learning from this experience can help ensure the availability of high-quality data.

- **AI and Open Science**: Open Science, that is the sharing and re-use of research outputs, is strongly promoted by the EC, Member States, and research stakeholders across geographical and disciplinary borders. With an increasing amount of data available for researchers, there is also a growing need to have reliable systems to process large amounts of data. AI applications will therefore play an ever more important role in the research system. As with other legislative proposals in the digital field, it is necessary to ensure that EU legislation takes the needs, standards, and practices of the research sector into account and fosters Open Science.

Science Europe Member Organisations have a vast experience as users and producers of data and data-processing applications. Their collective knowledge contributes to the capacity and efficiency of the European Research and Innovation system and serves society at large. Science Europe would like to offer its expertise and the extensive experience of its members to inform the upcoming legislation on AI.