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The Developers Alliance Preliminary Assessment Of The European Union Artificial Intelligence Act Proposal



Founded in January 2012, the Developers Alliance is a global industry association that supports software developers as entrepreneurs, innovators, and creators.

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Developers Alliance preliminary reaction to the European Commission's proposal for a Regulation on a European approach for Artificial Intelligence (Artificial Intelligence Act):

- **We endorse the EC intention to regulate AI systems which cause physical or psychological harm and the high-risk approach.**
- **We question however the approach on defining AI and reject a scope which could capture all useful software beyond the generally accepted notion of AI.**
- **We reject the disproportionate extraterritorial scope, the extension of EU rules to products made outside its jurisdiction.**

The regulation of AI systems that cause severe harm, as well as use restrictions on surveillance and social monitoring applications, is consistent with the software community's focus on building trust in the products that we develop. We also support the proposed notice requirements for AI systems which mimic human behavior or that modify media in undetectable ways.

We are encouraged by the Commission's embrace of industry Codes of Conduct and of regulatory sandboxes, intended to support small scale AI developers.

We are concerned however by the unintended impact on AI systems which do not pose any risk of physical or psychological harm at all, but fall into the category of "high risk". Such complex legal requirements will discourage ambitious start-ups and SMEs to do business in the EU. Only large companies that can afford to cope with cumbersome regulatory frameworks will dare to develop advanced AI products.

Additionally, we find the Commission's attempt to redefine AI systems clumsy and unnecessary, as the novel definition goes far beyond what the industry would call AI and effectively encompasses all useful software.

We would propose an alternative definition of "high risk" as well that balances the benefits of using AI in place to reduce the risk of harm that accompanies existing systems.

We are also concerned by the extension of EU law to other sovereign jurisdictions, and the expansion of AI regulations to products and services created offshore using AI, but that contain no AI themselves. This is an unacceptable overreach that invites reciprocal regulation of EU markets by foreign countries.

As a final remark, our greatest concern is that the risk of penalties coupled with the complexity and overhead of compliance will slow down the development of advanced AI systems in the EU, and that the law's extraterritorial reach will block any benefits from these systems from the EU completely.