

Public consultation on Draft AI Ethics Guidelines – JBCE

1 Feb 2019

- Introduction: Rationale and Foresight of the Guidelines
 - Japan Business Council in Europe (JBCE) appreciates the hard work the HLEG has done to deliver the draft guidelines. We understand the HLEG will continue to work and use the guidelines as a basis for future policy and investment recommendations of the European Commission.
 - We welcome that the guidelines take a rights-based approach to AI ethics and that the whole text of Chapter 1 is based on the fundamental rights commitment of the EU Treaties and Charter of Fundamental Rights and that these are used as the stepping stone to identify abstract ethical principles. While ‘ethics’ can sometimes be subjective and their interpretation can differ from one country to another, the “human rights” aspect is clearly defined in the Universal Declaration of Human Rights which is considered as the universal norm. This aspect is important for business because AI systems aren’t only made in Europe but are distributed within our international network.
We propose that the Guidelines should also point to internationally recognised standards such as the UN Guiding principles on Business and Human Rights (UNGPs).
In this regard, JBCE recommends to use the guidelines as a basis for discussion at international level and vis-à-vis countries with a similar approach to AI ethics and share the EU’s main goals.
- Chapter I: Respecting Fundamental Rights, Principles and Values - Ethical Purpose
 - Section 4 Ethical Principles in the Context of AI and Correlating Values
JBCE supports the principles and related values which must ensure that AI is developed and used in a human-centric fashion. Our member companies do ask, however, for more clarity about “The Principle of Explicability”. As opposed to the other 4 principles, ‘explicability’ is not directly supported by a fundamental right. The description of transparency in Chapter 2 and in the Assessment list is at this moment not sufficiently clear and detailed to provide a good understanding of the principle. We encourage the HLEG to try and better define the principle and/or embed ‘explicability’ into the other 4 principles. Additionally, a case by case implementation approach would help to understand how each AI system is in line with the “Transparency” requirement.

- Section 5.5 Potential long-term concerns

JBCE would like to propose to use a different approach to “Critical concerns raised by AI”. There is a need to differentiate between, for example, Lethal Autonomous Weapon Systems (LAWS) and other AI applications that relate to privacy, identification and consent. Moreover, within the area of identification there will be different types and levels, as well as different potential users of AI. JBCE strongly supports a case by case approach both concerning AI applications and different level of AI used within one field of application, as well as in relation to the potential risks that are associated with them. When talking about 5.4 Lethal Autonomous Weapon Systems (LAWS) In Chapter1, JBCE strongly advises the HLEG to address this area at international level.

- Chapter II: Realising Trustworthy AI

- Section 1-4 Governance of AI Autonomy

The Governance of AI Autonomy should be better defined. Care needs to be taken in operational environment to ensure that the human does in fact deviate when necessary, for example, in overriding advice from mostly autonomous driver.

Again when talking about 5.4 Lethal Autonomous Weapon Systems (LAWS) In Chapter1, JBCE strongly advises HLEG to address this area at international level.

- Section 1-3 Design for all

The phrase "Systems should be designed in a way that allows all citizens to use the products or services, regardless of their age, disability status or social status" should be changed to "Systems should be designed in a way that considers usability and accessibility so that the products or services should be inclusive and can be accepted by as many citizens as possible, regardless of their age, disability status or social status." Some systems are designed for specific users and specific applications. For instance, a particular system could be developed for a specific manufacturing process and for employees that have a particular set of skills or expertise.

- Section 1-10 Transparency

The term “development processes” which is used in the fifth line of the page should be clarified. If the term refers to the design process for system software, then it could be difficult for companies to be transparent about such design processes. The process that a company follows while designing its system software is one of the important factors that differentiate the company in question from its competitors, and thus disclosing these types of processes could be difficult.

- Chapter III: Assessing Trustworthy AI

- General Comments
 - “Trustworthy AI made in Europe”

JBCE strongly encourages the HLEG to replace the concept of “Trustworthy AI made in Europe” with “Trustworthy AI made for Europe”. AI technologies and systems are developed globally, i.e. through companies’ research and design centres located in variety of regions and countries, including in Europe, cooperating with each other and their local partners, such as other companies, universities etc.. This applies not only to companies with a Japanese parentage and global headquarters in Japan, but also companies with parentages and headquartered in Europe, as well as in other regions. The AI context in this respect is no different from, for example, the Cybersecurity context or the IoT context or the 5G context or the blockchain context. Likewise, international cooperation needs to take place also at the level of ethics, standards of interoperability, international regulatory cooperation and common investment on R&I. As for R&I, JBCE member companies have been participating in the EU’s relevant programmes, including Horizon2020. This cooperation should be reinforced in new Horizon Europe programme in AI area.

 - Glossary “Bias”

The definition “Bias” should be more emphasized on which type of data and how this data is collected so that providers of AI systems could be liable.

The JBCE is a European association representing over 80 multinational companies of Japanese parentage in the EU policy discussions. Our members are active in Europe across many sectors, including digital, information and communication technologies, electronics, automotive, pharmaceuticals and chemicals. JBCE acts as a bridge between the EU and Japan to strengthen ties and demonstrate to European decision-makers the contribution of Japanese companies in Europe.