

THE LEGISLATIVE PROCESS SO FAR:

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- The proposal was first put forward by the European Commission in April 2021. Once approved, the Act will be the first set of legally binding rules on AI in the world
- Despite good intentions, the initial proposal did not prioritise fundamental rights or include any safeguards to protect people affected by AI systems
- ECF, together with a diverse group of civil society organisations, called on the EU to put fundamental rights first and outlined amendments to strengthen the human rights basis of the proposal
- The Parliament's Internal Market Committee (IMCO) and Civil Liberties Committee (LIBE) voted on the proposal in May. The improved text, including civil society's key demands, was backed by the majority of the MEPs!
- They agreed on a **comprehensive ban on remote biometric identification, predictive policing, and many emotion recognition systems** and to include a **fundamental rights impact assessment** requirement in the proposal
- The outcome of the vote **sends out a positive signal** and shows that the MEPs put people's rights first

NEXT STEPS:

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- The proposal must be endorsed by the whole Parliament in the upcoming plenary vote on **June 14**. The outcome of the vote will finalise the Parliament's position on the AI Act for the trilogues (negotiations between EU Commission, Parliament and Council).
- The trilogues start during the summer 2023
- The Act is expected to be adapted during Spain's EU Council presidency (July - Dec 2023)

BUT, THERE ARE STILL LOOPHOLES AND CONCERNS:

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- **Adequate mechanisms for civil society to raise concerns and complain about harmful systems are still missing.** If a person is affected by AI systems, they are not able to mandate a civil society organisation to represent them and make a complaint to the supervisory authority, which **makes it difficult for people to access their rights**. Neither does the proposal give rights to civil society to raise general concern before the rights of a person have already been violated.
- **The text does not protect migrants' fundamental rights.** It does not comprehensively ban the use of harmful and discriminatory tech against people crossing the EU borders.
- Even though some accessibility requirements for high-risk AI systems were adopted in the text, **general accessibility requirements are still missing**.
- Loopholes in the protection of fundamental rights: An AI system would not be classified as a "high-risk" system simply if it is used in a high-risk context (e.g. law enforcement, immigration, social welfare or justice). The system must additionally pose a "significant risk" to fundamental rights. This is a very vague phrasing that can be abused by tech companies. **If a company considers that its AI system does not pose a significant risk, it could avoid the safeguards of the AI Act.**

WE NEED YOU!

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The run up to the plenary vote is the last chance to call on the Parliament to respects fundamental rights and include all civil society's demands into its position. Here is what you can do:

- **Tag your MEPs on Twitter on June 9-13** in the voting recommendation posts prepared by European Digital Rights (EDRi)
- **Reach out to your national MEPs by June 12**. We will send you an email template as soon as we know the exact numbers of the amendments the MEPs need to vote for.