Basic information

2019/2915(RSP) RSP - Resolutions on topical subjects	Procedure completed
Resolution on automated decision-making processes: ensuring consumer protection and free movement of goods and services **Subject** 2.10 Free movement of goods 2.40 Free movement of services, freedom to provide 3.30.06 Information and communication technologies, digital technologies 3.40.06 Electronics, electrotechnical industries, ICT, robotics 4.60 Consumers' protection in general	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	IMCO Internal Market and Consumer Protection	DE SUTTER Petra (Greens /EFA)	06/11/2019
European Commission	**Commission DG**	**Commissioner**	
	Health and Food Safety	ANDRIUKAITIS Vytenis Povilas	

Key events

Date	Event	Reference	Summary
10/02/2020	Debate in Parliament		
12/02/2020	Decision by Parliament	T9-0032/2020	Summary
12/02/2020	Results of vote in Parliament		

Technical information

Procedure reference	2019/2915(RSP)
Procedure type	RSP - Resolutions on topical subjects
Procedure subtype	Debate or resolution on oral question/interpellation
Legal basis	Rules of Procedure EP 142-p5
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/9/01816

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Motion for a resolution		B9-0094/2020	10/02/2020	
Text adopted by Parliament, single reading		T9-0032/2020	12/02/2020	Summary

Resolution on automated decision-making processes: ensuring consumer protection and free movement of goods and services

2019/2915(RSP) - 12/02/2020 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution, tabled by the Committee on the Internal Market and Consumer Protection, on automated decision-making processes: ensuring consumer protection and the free movement of goods and services.

Members consider that the rapid technological advances taking place in the fields of artificial intelligence (AI) present a number of challenges for consumer protection and that a common EU approach to the development of automated decision-making processes would help to mitigate the associated risks while helping the EU to promote its approach and values worldwide.

Consumer choice, trust and welfare

While welcoming the potential of automated decision-making to deliver innovative and improved services to consumers, including new digital services, Members are convinced however, that when consumers are interacting with a system that automates decision-making, they should be properly informed about how it functions, about how to reach a human with decision-making powers, and about how the system's decisions can be checked and corrected.

The Commission is called on to:

- monitor the implementation of new rules under the Better Enforcement Directive (Directive (EU) 2019/2161 that require traders to inform consumers when prices of goods or services have been personalised on the basis of automated decision-making and profiling of consumer behaviour, allowing traders to assess the consumer's purchasing power;

- monitor the implementation of the Geo-blocking Regulation (Regulation (EU) 2018/32)), in order to ensure that automatic decision-making is not being used to discriminate against consumers on the basis of their nationality, place of residence or temporary location;

- check whether obligations on traders enable effective consumer choice and offer sufficient consumer protection and check the existence of any regulatory gaps and to examine whether additional measures are necessary in order to guarantee a strong set of rights to protect consumers in the context of AI and automated decision-making.

Safety and liability framework for products

Parliament called on the Commission to:

- present proposals to adapt the EU's safety rules for products covered by specific EU legislation that sets harmonised requirements, including the Machinery Directive, the Toy Safety Directive, the Radio Equipment Directive and the Low Voltage Directive, and for 'non-harmonised products' covered by the General Product Safety Directive;

- develop a risk assessment scheme for AI and automated decision-making in order to ensure a consistent approach to the enforcement of product safety legislation in the internal market;

- review that directive and consider adapting such concepts as 'product' 'damage' and 'defect', as well as adapting the rules governing the burden of proof.

Regulatory framework for services

Parliament recalled that the existing regulatory framework on services, consisting of the Services Directive, the Professional Qualifications Directive, the Proportionality Test Directive, the e-Commerce Directive and the General Data Protection Regulation (GDPR), already covers many policy aspects relevant for services that incorporate automated decision-making processes.

According to Members, humans must always be ultimately responsible for, and able to overrule, decisions that are taken in the context of professional services such as the medical, legal and accounting professions, and for the banking sector; recalls the importance of supervision or independent oversight by qualified professionals in cases of automated decision-making where legitimate public interests are at stake. The importance of properly assessing risks before automating professional services was recalled.

Quality and transparency in data governance

Parliament stressed the importance of using only high quality and unbiased data to improve the performance of algorithmic systems and to increase consumer confidence and acceptance, especially among vulnerable consumers.

Review structures are needed within business processes and consumers should be able to demand a human review and correction of automated decisions that are final. The algorithms underlying the automated decision making capabilities should be transparent and explainable to market surveillance authorities.

The Commission has been invited to monitor closely the implementation of the Platform-to-Business Regulation, especially the rules on the transparency of rankings, which involve use of automated decision-making processes.