Basic information

2020/2013(INI) INI - Own-initiative procedure	Procedure completed
Artificial intelligence: questions of interpretation and application of international law in so far as the EU is affected in the areas of civil and military uses and of state authority outside the scope of criminal justice **Subject** 3.30.06 Information and communication technologies, digital technologies 3.40.06 Electronics, electrotechnical industries, ICT, robotics	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	LEBRETON Gilles (ID)	27/01/2020
	Shadow rapporteur RADEV Emil (EPP) ROS SEMPERE Marcos (S&D) MELCHIOR Karen (Renew) LAGODINSKY Sergey (Greens/EFA) DZHAMBAZKI Angel (ECR) MAUREL Emmanuel (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs (Associated committee)	PAET Urmas (Renew)	22/01/2020
IMCO Internal Market and Consumer Protection	SCHWAB Andreas (EPP)	18/02/2020
TRAN Transport and Tourism	KOVAŘÍK Ondřej (Renew)	15/01/2020
LIBE Civil Liberties, Justice and Home Affairs	JAKI Patryk (ECR)	19/02/2020
AFCO Constitutional Affairs	The committee decided not to give an opinion.	

Key events

Date	Event	Reference	Summary
16/01/2020	Committee referral announced in Parliament		
16/01/2020	Referral to associated committees announced in Parliament		
10/12/2020	Vote in committee		
04/01/2021	Committee report tabled for plenary	A9-0001/2021	Summary
20/01/2021	Decision by Parliament	T9-0009/2021	Summary
20/01/2021	Results of vote in Parliament		
21/01/2021	End of procedure in Parliament		

Technical information

Procedure reference	2020/2013(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	JURI/9/02269

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	IMCO	PE650.637	07/07/2020	
Committee opinion	AFET	PE650.702	09/07/2020	
Committee draft report		PE653.860	14/07/2020	
Committee opinion	TRAN	PE646.912	15/07/2020	
Amendments tabled in committee		PE657.364	15/09/2020	
Committee opinion	LIBE	PE652.639	23/11/2020	
Committee report tabled for plenary, single reading		A9-0001/2021	04/01/2021	Summary
Text adopted by Parliament, single reading		T9-0009/2021	20/01/2021	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2021)223	09/07/2021	

Artificial intelligence: questions of interpretation and application of international law in so far as the EU is affected in the areas of civil and military uses and of state authority outside the scope of criminal justice

2020/2013(INI) - 20/01/2021 - Text adopted by Parliament, single reading

The European Parliament adopted by 364 votes to 274, with 52 abstentions, a resolution on artificial intelligence (AI): questions of interpretation and application of international law in so far as the Union is affected in the areas of civil and military uses and of state authority outside the scope of criminal justice.

EU framework on AI and guiding principles

Parliament called for the adoption of a common European legal framework with harmonised definitions and common ethical principles, including for the use of AI for military purposes. AI for defence purposes should be accountable, fair, traceable, reliable and governable. In all cases, technologies should be developed in a safe and technically rigorous manner.

Moreover, AI is a scientific advance which should not undermine the law but should, on the contrary, always be governed by it. Under no circumstances should AI, robotics and related technologies violate fundamental rights, democracy and the rule of law.

Members recalled that AI cannot replace the human being in the judicial process when it comes to making judgements or any final decision. Thus, when using evidence emanating from technologies using AI, judicial authorities should be obliged to give reasons for their decisions.

International law and military uses of artificial intelligence

Parliament stressed that the use of AI is an opportunity to enhance the security of the European Union and its citizens and that it is essential for the Union to adopt a coherent approach in the forthcoming debates on this subject at international level. It invited the EU to take the lead and play an active role, together with the United Nations and the international community, in promoting a global framework governing the use of AI for military and other purposes, ensuring that such use respects the strict limits set by international law and international humanitarian law.

Parliament stressed that AI used in a military and a civil context must be subject to meaningful human control, so that at all times a human has the means to correct, halt or disable it in the event of unforeseen behaviour, accidental intervention, cyber-attacks or interference by third parties with AI-based technology or where third parties acquire such technology.

Autonomous decision-making should not absolve humans from responsibility, and that people must always have ultimate responsibility for decision-making processes so that the human responsible for the decision can be identified.

Lethal autonomous weapon systems (LAWS)

Members recalled that Parliament called for the drafting and urgent adoption of a common position on lethal autonomous weapon systems, preventing the development, production and the use of LAWS capable of attack without meaningful human control, as well as the initiation of effective negotiations for their prohibition. It insisted on the need for an EU-wide strategy against LAWS and a ban on so-called ‘killer robots’.

The use of lethal autonomous weapon systems raises fundamental ethical and legal questions about the ability of humans to control these systems. Such systems should meet a minimum set of requirements and be used as a last resort. They should only be considered lawful if they are subject to strict human control.

State authority: examples from civil areas, including health and justice

Parliament urged the Member States to assess the risks related to AI-driven technologies before automating activities connected with the exercise of state authority, such as the administration of justice. It invited the Commission to assess the consequences of a moratorium on the use of facial recognition systems until the technical standards can be considered fully fundamental rights-compliant and that there are strict safeguards against misuse.

Members expressed serious concerns about some highly intrusive social scoring applications that have been developed, as they seriously jeopardise respect for fundamental rights. They called for an explicit ban on the use of mass social scoring (for monitoring and rating citizens) by public authorities as a means of restricting citizens' rights.

Moreover, given that AI is called upon to play an increasingly fundamental role in health matters, in particular through diagnostic aid algorithms, robot-assisted surgery and intelligent prostheses, Parliament insisted that all uses of AI in public health matters should respect the protection of patients' personal data and avoid the uncontrolled dissemination of such data.

Transport

Members took note of the significant economic potential of AI applications in this area. They stressed the need to promote AI to foster the multimodality, interoperability and energy efficiency of all modes of transport, including in the field of military logistics.

They also stressed that the circulation of autonomous vehicles in the European Union, which is likely to lead to a particularly high number of disputes under international private law, should be the subject of specific European rules stipulating the legal regime applicable in the event of cross-border damage.

Artificial intelligence: questions of interpretation and application of international law in so far as the EU is affected in the areas of civil and military uses and of state authority outside the scope of criminal justice

2020/2013(INI) - 04/01/2021 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Gilles LEBRETON (ID, FR) on artificial intelligence: questions of interpretation and application of international law in so far as the EU is affected in the areas of civil and military uses and of state authority outside the scope of criminal justice.

The report stressed the potentials and the risks offered by the development, deployment and use of artificial intelligence (AI) for security both within the EU and in its external relations.

EU framework on AI

European citizens could benefit from an appropriate, effective, transparent and coherent regulatory approach at EU level to ensure that EU and its Member States retain control over the regulations to be established in this area, so that they are not forced to adopt or accept standards set by others.

The report recalled that a common EU framework, with harmonised definitions and common ethical principles, must cover the development, deployment and use of AI, robotics and related technologies, and must ensure respect for human dignity and human rights. The EU and its Member States should have a particular responsibility to make sure that AI, robotics and related technologies – as they can be used cross borders – are human-centred, i.e. basically intended for use in the service of humanity and the common good.

This responsibility implies a need to examine questions of interpretation and application of international law related to the active participation of the EU in international negotiations, in so far as the EU is affected by the civil and military uses of this kind of AI, robotics and related technologies, and questions of state authority over such technologies lie outside the scope of criminal justice.

International law and military uses of artificial intelligence

The impressive advances in artificial intelligence (AI) pose a challenge for international law, both public and private, and more broadly for the authority of states. AI used in a military and a civil context must be subject to meaningful human control, so that at all times a human has the means to correct, halt or disable it in the event of unforeseen behaviour, accidental intervention, cyber-attacks or interference by third parties with AI-based technology or where third parties acquire such technology.

Lethal autonomous weapon systems (LAWS)

In this context, Members stressed that Parliament has called for the drafting and urgent adoption of a common position on lethal autonomous weapon systems, preventing the development, production and the use of LAWS capable of attack without meaningful human control, as well as the initiation of effective negotiations for their prohibition. The use of lethal autonomous weapon systems raises fundamental ethical and legal questions about the ability of humans to control these systems. Lethal autonomous weapon systems should only be used as a last resort and be deemed lawful only if subject to human control, since it must be humans that decide between life and death.

Fundamental rights

Members expressed serious concerns about some highly intrusive social scoring applications that have been developed, as they seriously endanger the respect of fundamental rights. They called for an explicit ban on the use of mass social scoring (for monitoring and rating of citizens) by public authorities as a way to restrict the rights of citizens.

Transport

Members took note of the significant economic potential of AI applications in this area. They stressed the need to promote AI to foster the multimodality, interoperability and energy efficiency of all modes of transport, including in the field of military logistics.

Judiciary

Judges use AI technologies more and more in decision-making and to speed up proceedings. However, safeguards need to be introduced to protect the interests of citizens. The report stated that AI cannot replace humans in the judicial process when it comes to passing sentence or taking a final decision of any kind, as such decisions must always be taken by a human and be strictly subject to human verification and due process. AI, robotics and related technologies should be developed in a secure and technically rigorous manner.