Basic information

2022/0303(COD)	Procedure lapsed or withdrawn
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	

Adapting non-contractual civil liability rules to artificial intelligence (AI Liability Directive)

Subject

3.30.06 Information and communication technologies, digital technologies
3.40.06 Electronics, electrotechnical industries, ICT, robotics
4.60.06 Consumers' economic and legal interests

Legislative priorities

Joint Declaration 2022
Joint Declaration 2023-24

Key players

Council of the European Union		
European Commission	**Commission DG**	**Commissioner**
	Justice and Consumers	REYNDERS Didier
European Economic and Social Committee		

Key events

Date	Event	Reference	Summary
29/09/2022	Legislative proposal published	COM(2022)0496	Summary
06/10/2022	Committee referral announced in Parliament, 1st reading		
16/03/2023	Referral to associated committees announced in Parliament		
13/11/2024	Committee referral announced in Parliament, 1st reading		
06/10/2025	Proposal withdrawn by Commission		

Technical information

Procedure reference	2022/0303(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Rules of Procedure EP 57_o Treaty on the Functioning of the European Union TFEU 114
Mandatory consultation of other institutions	European Economic and Social Committee

Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	JURI/10/00206

Documentation gateway

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	SEC(2022)0344	08/04/2022	
Document attached to the procedure	SWD(2022)0318	28/09/2022	
Document attached to the procedure	SWD(2022)0319	28/09/2022	
Document attached to the procedure	SWD(2022)0320	28/09/2022	
Legislative proposal	COM(2022)0496	29/09/2022	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	ES_PARLIAMENT	COM(2022)0496	01/12/2022	
Contribution	PT_PARLIAMENT	COM(2022)0496	21/12/2022	
Contribution	DE_BUNDESRAT	COM(2022)0496	03/01/2023	
Contribution	CZ_SENATE	COM(2022)0496	31/01/2023	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES4704/2022	25/01/2023	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency

Name	Role	Committee	Date	Interest representatives
ZŁOTOWSKI Kosma	Rapporteur for opinion	IMCO	09/04/2025	AI Chamber
BENIFEI Brando	Shadow rapporteur	JURI	05/02/2025	Future of Life Institute
TOOM Jana	Shadow rapporteur	JURI	04/02/2025	Future of Life Institute
ZŁOTOWSKI Kosma	Rapporteur for opinion	IMCO	04/02/2025	International Federation of the Phonographic Industry
ZŁOTOWSKI Kosma	Rapporteur for opinion	IMCO	04/02/2025	BSA	The Software Alliance
FURORE Mario	Shadow rapporteur	JURI	30/01/2025	European DIGITAL SME Alliance
ZŁOTOWSKI Kosma	Rapporteur for opinion	IMCO	21/01/2025	The European Consumer Organisation
WAWRYKIEWICZ Michał	Committee chair	JURI	21/01/2025	European Tech Alliance
DAHL Henrik	Shadow rapporteur for opinion	IMCO	16/01/2025	BEUC
DAHL Henrik	Shadow rapporteur for opinion	IMCO	15/01/2025	DIGITALEUROPE
DAHL Henrik	Shadow rapporteur for opinion	IMCO	15/01/2025	SMEunited aisbl
DAHL Henrik	Shadow rapporteur for opinion	IMCO	14/01/2025	European Tech Alliance
DAHL Henrik	Shadow rapporteur for opinion	IMCO	12/12/2024	ACT	The App Association
DAHL Henrik	Shadow rapporteur for opinion	IMCO	11/12/2024	BSA	The Software Alliance
ZŁOTOWSKI Kosma	Rapporteur for opinion	IMCO	07/11/2024	Qualcomm
DAHL Henrik	Shadow rapporteur	IMCO	30/10/2024	Microsoft Corporation
DAHL Henrik	Shadow rapporteur	IMCO	30/10/2024	META
ZŁOTOWSKI Kosma	Rapporteur for opinion	IMCO	25/09/2024	Cisco Systems Inc.
DAHL Henrik	Shadow rapporteur	IMCO	17/09/2024	ACT	The App Association
VOSS Axel	Rapporteur	JURI	27/10/2023	Verband Deutscher Maschinen- und Anlagenbau e.V.
LAGODINSKY Sergey	Shadow rapporteur	JURI	07/07/2023	Industrie- und Handelskammer Berlin
GARCÍA DEL BLANCO Ibán	Shadow rapporteur	JURI	09/06/2023	i2cat
GARCÍA DEL BLANCO Ibán	Shadow rapporteur	JURI	23/05/2023	Orgalim – Europe's Technology Industries
VOSS Axel	Rapporteur	JURI	02/05/2023	Verband Deutscher Maschinen- und Anlagenbau e.V.
GARCÍA DEL BLANCO Ibán	Rapporteur	JURI	25/01/2023	DeepMind Technologies Limited
GARCÍA DEL BLANCO Ibán	Rapporteur	JURI	25/01/2023	Shape Robotics
GARCÍA DEL BLANCO				

Ibán	Rapporteur	JURI	23/01/2023	Telefonica, S.A.
GARCÍA DEL BLANCO Ibán	Rapporteur	JURI	18/01/2023	CaixaBank, S.A.
GARCÍA DEL BLANCO Ibán	Rapporteur	JURI	10/10/2022	Creative Commons
VOSS Axel	Rapporteur	JURI	19/05/2021	Center for Security Studies ETH Zürich
VOSS Axel	Rapporteur	JURI	10/03/2021	Fleishman-Hillard
VOSS Axel	Rapporteur	JURI	30/10/2020	Verband Deutscher Maschinen- und Anlagenbau e.V.
VOSS Axel	Rapporteur	JURI	28/10/2020	Bundesverband der Deutschen Industrie e.V.
VOSS Axel	Rapporteur	JURI	17/09/2020	Siemens AG
VOSS Axel	Rapporteur	JURI	08/09/2020	Wirtschaftsrat der CDU e.V.
VOSS Axel	Rapporteur	JURI	08/09/2020	British Chamber of Commerce | EU & Belgium
VOSS Axel	Rapporteur	JURI	27/08/2020	FTI Consulting Belgium Waymo
VOSS Axel	Rapporteur	JURI	21/07/2020	RELX
VOSS Axel	Rapporteur	JURI	07/07/2020	Siemens AG
VOSS Axel	Rapporteur	JURI	25/06/2020	Konrad-Adenauer-Stiftung
VOSS Axel	Rapporteur	JURI	22/06/2020	MedTech Europe
VOSS Axel	Rapporteur	JURI	10/06/2020	European Justice Forum
VOSS Axel	Rapporteur	JURI	02/06/2020	European Telecommunications Network Operators' Association GSMA Europe
VOSS Axel	Rapporteur	JURI	28/05/2020	Bitkom e.V.
VOSS Axel	Rapporteur	JURI	08/05/2020	CLEPA
VOSS Axel	Rapporteur	JURI	30/04/2020	European Commission
VOSS Axel	Rapporteur	JURI	28/04/2020	Hanover Communications International
VOSS Axel	Rapporteur	JURI	22/04/2020	SAP VzBV Noerr IBM ITI
VOSS Axel	Rapporteur	JURI	02/04/2020	EUTA
VOSS Axel	Rapporteur	JURI	27/03/2020	BEUC
VOSS Axel	Rapporteur	JURI	05/03/2020	European Commission
VOSS Axel	Rapporteur	JURI	04/03/2020	GDV
VOSS Axel	Rapporteur	JURI	02/03/2020	AG Wirtschaft und Energie Bundestag
VOSS Axel	Rapporteur	JURI	19/02/2020	Salesforce Inc.

VOSS Axel	Rapporteur	JURI	19/02/2020	VDE
VOSS Axel	Rapporteur	JURI	17/02/2020	Adobe
VOSS Axel	Rapporteur	JURI	05/02/2020	DIN Deutsches Institut für Normung e. V.

Other Members

Transparency		
Name	**Date**	**Interest representatives**
WÖLKEN Tiemo	05/02/2025	Allgemeiner Deutscher Automobil-Club e.V.
BILBAO BARANDICA Izaskun	28/11/2023	PROMUSICAE
WÖLKEN Tiemo	14/03/2023	Deutscher Gewerkschaftsbund
WÖLKEN Tiemo	09/02/2023	Bundesministerium für Arbeit und Soziales

Adapting non-contractual civil liability rules to artificial intelligence (AI Liability Directive)

2022/0303(COD) - 29/09/2022 - Legislative proposal

PURPOSE: to promote the rollout of trustworthy artificial intelligence (AI) by ensuring that victims of damage caused by AI obtain equivalent protection to victims of damage caused by products in general.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure on an equal footing with the Council.

BACKGROUND: according to a representative survey carried out in 2020, liability ranked amongst the top three barriers to the use of AI by European companies.

Current national liability rules, in particular based on fault, are **not suited to handling liability claims for damage caused by AI-enabled products and services**. Under such rules, victims need to prove a wrongful action or omission by a person who caused the damage.

Given the specific characteristics of AI, it may be **cumbersome or too costly for victims to identify the person responsible** and to prove the conditions required to win their case. As a result, victims may be deterred from seeking compensation.

The national AI strategies show that several Member States are considering, or even concretely planning, legislation on civil liability for AI. Therefore, if the EU does not act, it is expected that Member States will adapt their national liability rules to the challenges of AI.

In the absence of EU harmonised rules for the compensation of damages caused by AI systems, providers, operators and users of AI systems on the one hand, and injured persons on the other, would be faced with 27 different liability regimes, resulting in different levels of protection and distorting competition between companies in different Member States.

In its White Paper on AI of 19 February 2020, the Commission undertook to promote the uptake of AI and addressed the risks associated with some of its uses by fostering excellence and trust. In the AI liability report accompanying the White Paper, the Commission identified specific challenges posed by AI to existing liability rules.

CONTENT: the purpose of this Directive is to improve the functioning of the internal market by laying down **uniform requirements for certain aspects of non-contractual civil liability for damage caused with the involvement of AI systems**. It follows the legislative initiative resolution in which the European Parliament called on the Commission to adopt a proposal for a civil liability regime for AI and adapt private law to the needs arising from the transition to the digital economy.

The proposal applies to non-contractual civil law claims for damages caused by an AI system, where such claims are brought under fault-based liability regimes. This means namely regimes that provide for a statutory responsibility to compensate for damage caused intentionally or by a negligent act or omission.

The proposed directive alleviates the burden of proof in a very targeted and proportionate manner through the use of disclosure and rebuttable presumptions.

A right of access to evidence

The proposed Directive aims to provide persons seeking compensation for damage caused by high-risk AI systems with effective means to identify potentially liable persons and relevant evidence for a claim. At the same time, such means serve to exclude falsely identified potential defendants.

Under the Directive, a **court could order the disclosure of relevant evidence** concerning specific high-risk AI systems suspected of causing damage. Requests for evidence should be addressed to the provider of an AI system, the person subject to the provider's obligation or the user. Requests should be supported by facts and evidence sufficient to establish the plausibility of the contemplated claim for damages and the requested evidence should be at the addressees' disposal.

By limiting the obligation to disclose or preserve to necessary and proportionate evidence, the proposal aims to limit disclosure to the minimum necessary and to prevent general requests. On the other hand, disclosure would be subject to appropriate safeguards to protect sensitive information, such as trade secrets.

Presumption of causal link in the case of fault

It may be challenging for the claimant to establish a causal link between the failure to comply with a duty of care under EU or national law and the result of the AI system or the failure of the AI system to produce an output that gave rise to the relevant damage.

Therefore, the proposal provides for a targeted rebuttable presumption regarding this causal link. The rebuttable presumptions will give those seeking compensation for damage caused by AI systems a more reasonable burden of proof and a chance to succeed with justified liability claims.

The fault of the defendant must be proven by the claimant according to the applicable Union or national rules. Such fault can be established, for example, for non-compliance with a duty of care pursuant to the AI Act or pursuant to other rules set at Union level, such as those regulating the use of automated monitoring and decision-making for platform work or those regulating the operation of unmanned aircraft.

Such fault can also be **presumed by the court on the basis of a non-compliance** with a court order for disclosure or preservation of evidence. Still, it is only appropriate to introduce a presumption of causality when it can be considered likely that the given fault has influenced the relevant AI system output or lack thereof, which can be assessed on the basis of the overall circumstances of the case. At the same time, the claimant still has to prove that the AI system (i.e. its output or failure to produce one) gave rise to the damage.