Position Paper on Artificial Intelligence

As our world continues to be shaped by unprecedented advancements in technology, particularly in the realm of Artificial Intelligence (AI), it becomes increasingly evident that the responsible development and deployment of AI systems are paramount to fostering innovation, protecting individuals, and promoting societal well-being.

This statement is a testament to EuroISPA's collective dedication to shaping a future where AI serves as a force for good. It reflects our commitment to establishing a harmonised and globally accepted framework that encourages innovation, upholds ethical standards, and mitigates potential risks associated with AI deployment.

Below you can find principles that should be considered for current and future regulatory frameworks on AI, including by the European Union.

1. **Copyright and intermediary liability of AI**: Promoting balanced copyright regulation that does not burden operators (ISPs) with excessive liability for AI-generated content. Additionally, owners of training data should not be able to leverage their exclusive rights over foundation models.
2. **Follow a Global Definition of AI:** Advocating for the establishment of a universally accepted definition of AI such as the ones adopted by the OECD and the EU AI Act which *provide clarity and consistency in regulatory frameworks* worldwide, ensuring a common understanding of the technologies covered. The definition must also accurately reflect the special features of AI so as not to include classic software applications.
3. **Balance between Regulation and Innovation:** Emphasising the importance of striking a delicate balance between regulating the application and fostering innovation. *Avoiding unnecessary complexity and bureaucracy* is crucial to maintaining an environment where businesses can thrive while ensuring responsible AI development. One should also think of alternatives to regulation when relevant, such as the encouragement of Codes of Conduct as they are agile and unbureaucratic alternatives[1].
4. **Rules for Users and SMEs:** Promoting regulations that cater to the needs of users and SMEs. Implementing measures that allow businesses, especially internet service providers to leverage AI tools *without facing high costs or complexity*, fostering widespread adoption.
5. **Support of a Risk-Based Approach:** Acknowledging the necessity of a risk-based approach to AI regulation, where the level of regulatory scrutiny corresponds to the potential risks associated with specific AI applications. At the same time, we should try to stay technologically neutral and build

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[1] Example of a welcomed Code of Conduct on AI is the G7 agreement on international guiding principes for Organisations Developing Advanced AI Systems under the Hiroshima Process.

future-proof regulation. *These considerations allow for a nuanced and proportional regulatory framework*.

6. **Human Oversight:** Recognising the significance of human oversight in AI systems especially in high-risk scenarios. Ensuring that there are mechanisms in place *to maintain human oversight over critical decision-making processes*, particularly in situations where there is an impact on fundamental rights.

7. **Role of National Competent Authorities:** Defining the appropriate level of competent authorities in overseeing AI regulations and enforcement. Clarify the responsibilities and powers of these authorities to ensure effective governance and harmonised application of standards within the EU at Member State level.

8. **Classification of the Role of Generative AI and Foundation models:** Establishing clear classifications for different types of AI, such as AI foundation models and generative AI, *to tailor (self-)regulatory requirements based on the nature and potential risks* associated with each category and its use cases. A general classification of generative AI and foundation models into a high-risk category is not appropriate in terms of the risk-based approach.

9. **Establishing a unified Regulatory framework:** Ensuring that AI-specific regulations do *not overlap with existing legislation (such as the DSA and the GDPR)*. The goal should be to construct a legal framework that tackles the distinctive challenges posed by AI while also integrating and aligning regulations harmoniously, fostering a seamless ecosystem. Additionally, it's crucial to contemplate the interplay between current horizontal European legislation (AI Act) and potential forthcoming specialised laws (e.g., copyright, employment) for comprehensive coherence.

10. **Infrastructure & environment:** AI has the potential to optimise processes, reduce environmental impact and make more efficient use of resources. This potential must be consistently utilised. In order to further increase the benefits of AI applications for tackling climate change and environmental problems, the research and development of energy-efficient algorithms should also be supported and promoted more strongly.

About EuroISPA

Established in 1997, EuroISPA is the world's largest association of Internet Services Providers Associations, representing over 3,300 Internet Service Providers (ISPs) across the EU and EFTA countries. EuroISPA is recognised as the voice of the EU ISP industry, reflecting the views of ISPs of all sizes from across its member base.

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