

The Consumer Voice in Europe

Ref.: BEUC-X-2019-076/UPA/DMA/cs

Brussels, 29 November 2019

Re: Telecoms Council meeting 3 December – Informal discussion on artificial intelligence and automation

Dear Deputy Permanent Representative,

I address you on behalf of BEUC, The European Consumer Organisation. We represent 45 national consumer groups from 32 European countries. I am writing in view of the upcoming informal lunch discussion on artificial intelligence (AI) and automation which will take place during the TELECOM Ministers meeting on 3 December.

AI-powered products and services and complex Internet of Things (IoT) devices are already changing consumer markets and our societies. While their uptake comes with the promise of increasing convenience and efficiency for consumers, ambitious solutions are required to ensure that new technologies do not harm them.

Consumers are at risk of being manipulated and becoming subject to discriminatory treatment and arbitrary, non-transparent decisions. It is essential to make sure that they have strong and tangible rights to defend themselves when necessary and to empower them to reap the benefits of the digital transformation of our societies.

Ethical guidance – such as the principles published in June 2018 by the High-Level Expert Group on artificial intelligence – can be helpful as a starting point but is not enough to ensure consumers have effective rights.

From our perspective, the most immediate and urgent action to undertake is to ensure that Europe has a horizontal legal framework that sets the main principles to regulate AI and algorithm-based decision making (ADM). We need strong, enforceable rules to ensure a fair and safe use of AI technology.

AI rights for consumers

In this sense, we would like to bring to your attention a paper that we recently published which outlines a series of AI rights for consumers¹. You will find the paper enclosed to this letter. These rights we ask for are the following:

¹ [AI Rights for Consumers](#) (Ref: BEUC-X-2019-063)

- Right to Transparency, Explanation, and Objection
- Right to Accountability and Control
- Right to Fairness
- Right to Non-discrimination
- Right to Safety and Security
- Right to Access to Justice
- Right to Reliability and Robustness

These rights should be concretised and translated into law. Existing legislation, such as the General Data Protection Regulation (GDPR), or horizontal EU consumer law do not provide enough protection for consumers.

Risk-based approach to EU regulation

New rules should follow the general principle that the higher the potential adverse impacts of the use of algorithmic decision making and AI technology, the stronger the appropriate regulatory response must be. Particular attention should be given for example to the use of biometric identification technology, such as facial recognition, which is quickly becoming the new norm for user identification, authentication and access control.

AI is set to change everything. The EU can be a global standard setter in this area, much like it has been with the GDPR. We rely on you to support the new European Commission's attempts to set a solid legal framework to ensure AI develops in a way that respects our fundamental and consumer rights and values and makes our lives better.

We trust you will take our input into consideration next week at the ministerial meeting.

In the meantime, if you have any questions please do not hesitate to let us know.

Yours sincerely,

Ursula Pacht
Deputy Director General