

Ref.: BEUC-X-2023-058/UPA/ste

10 May 2023

Subject: AI Act – European Parliament’s position must be a step in the right direction.

Dear Member of the European Parliament,

I am writing on behalf of BEUC - The European Consumer Organisation ahead of the IMCO and LIBE committees’ vote on the AI Act scheduled tomorrow.

BEUC welcomes the overall progress the European Parliament achieved during the negotiations of the AI Act which could significantly improve consumer protection in the final text of the legislation. This is particularly important considering that the [position of the Council](#) does not add much needed improvements to the Commission’s proposal for consumers and citizens.

With this letter, we would like to highlight a few points where the vote on Thursday will be decisive.

BEUC strongly encourages you to **support compromise amendments (CA) 11 and 11A on the list of prohibited practices (Article 5)**. If adopted, the list of prohibited practices would be clarified and expanded. Importantly, CA 11a is the specific amendment to ban the use of remote biometric identification by *private entities* in publicly accessible spaces. These systems have no place in our society, as they are too intrusive and severely restrict our fundamental rights.

Furthermore, we particularly welcome the introduction of new individual rights for consumers, such as the right to complain to an authority, the right for consumers to collectively enforce their rights both through injunctive and/or collective redress measures (CA 9) or the right for consumers to be informed when being subject to a decision of a high-risk AI system (CA 3). We also support the introduction of a fundamental rights impact assessment (CA 3) and the broadening of the list of high-risk use cases in Annex III to include certain social recommender systems and the insurance sector (CA 10).

However, **we are very concerned about the proposed weakening of the classification of high-risk in Article 6 (CA 10)**. Under the Commission’s proposal, certain AI systems were automatically considered high-risk. However, the European Parliament amendment would undermine this principle by allowing businesses or authorities to assess themselves if their system qualifies as high-risk or not. This could easily result in wrong assessments on whether a system is high-risk. It would endanger consumers.

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We urge you to adopt a strong position that ensures that the AI Act can provide a high level of consumer protection.

Thank you very much for your time and consideration. We remain at your disposal for any question or comment you may have.

Yours sincerely,

Ursula Pachi
Deputy Director General