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The Role of AI in the Legislative Documents of the European Union Countries

Yuldasheva Yulduz Xamza qizi [1]

Abstract: The article shows an analysis of different strategic approaches in documents concerning artificial intelligence (AI), actions initiated by the European countries, and legislations enacted by the European Commission. It highlights the diverse directions taken in these initiatives. Furthermore, it delves into the recently implemented "AI Act" by the European Commission in March 2024, offering a comparative examination of the EU's AI policy in relation to that of other nations like the United States and China.

Key words: Artificial Intelligence (AI), European Union, United States, China, strategy, law, AI legislation, European Commission, risk, law.

I. Introduction

The demand for artificial intelligence (AI) technologies is increasing day by day. Various industries are focusing on their development as the main goal. In particular, the European Union (EU) has emerged as the main driver and influential force in the development of artificial intelligence in Europe.[2] Compared to other countries, European countries pay more attention to the ethical principles, reliability, sustainable development and use of AI.[3] The reason is that the European Union aims to promote the provision of quality services and eliminate various uncertainties by creating a regulatory framework. In addition, national interests are at stake and mutual cooperation can be developed. For example, cooperation between France and Germany, as well as between France and Finland, is a bilateral cooperation. Another unique aspect is the focus on “a human-centric approach” to AI that aims to establish their trustworthiness and ethical foundations.[4]

Individual EU initiatives to support AI in the international arena are expanding. In addition, it competes significantly with the United States and China. Discussions and debates over the regulation of technologies such as Face ID and other AI-related tools, and consideration of legal frameworks to manage or limit their activities, continue.[5] France, Germany and the European Union, among other countries, are in the process of adopting regulations to gradually regulate AI technologies.

As of 2018, three countries stand out in terms of global AI startup projects: the US with 1,393 projects (40%), China with 383 projects (11%) and Israel with 362 projects (11%).[6] By comparison, the

[1]Master’s student at Tashkent State University of Law

[2] European Commission. (2020). *On Artificial Intelligence: A European Approach to Excellence and Trust*. https://ec.europa.eu/info/sites/info/files/commission-white-paper-artificial-intelligence-feb2020_en.pdf.

[3] *Europe and AI: Leading, Lagging Behind, or Carving Its Own Way?* (2020, July 9). Carnegie Endowment for International Peace. Retrieved April 4, 2024, from https://carnegieendowment.org/2020/07/09/europe-and-ai-leading-lagging-behind-or-carving-its-own-way-pub-82236

[4] European Commission. (2019, April 8). *Building Trust in Human-Centric Artificial Intelligence*. https://ec.europa.eu/newsroom/dae/document.cfm?doc_id=58496

[5] *Facial recognition technology: fundamental rights considerations in the context of law enforcement*. (2019, February 25). European Union Agency for Fundamental Rights. Retrieved April 4, 2024, from https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-facial-recognition-technology-focus-paper.pdf

[6] Axelle Lemaire, Romain Lucazeau, Tobias Rappers, Fabian Westerheide, & Howard, C. E. (2018). *Artificial Intelligence – A Strategy for European Startups: Recommendations for Policymakers*. Roland Berger and Asgard – Human Venture Capital. https://asgard.vc/wp-content/uploads/2018/05/Artificial-Intelligence-Strategy-for-Europe-2018.pdf

European Union is second only to the United States, with a total of 793 AI-related startup projects. Among the member states of the European Union, the United Kingdom, France, Germany and Sweden have made significant contributions.

II. Methodology

The article employed methods of comparison, analysis, and synthesis to examine the approaches of European Union countries towards artificial intelligence. While not primary competitors with the United States and China in this domain, European countries are recognized for their significant potential.[7] A comparative analysis revealed that the EU has established more robust regulations and ethical standards for artificial intelligence compared to the United States and China. This is attributed to the development and implementation of individual "National Strategies for AI" by each European country, enabling a more focused approach. Insights gained from analyzing these strategies shed light on the specific aspects and directions of AI regulation that require special attention. Notably, France and Germany emerge as leaders in this area.[8] Furthermore, the article extensively scrutinized the "National AI Strategies" framework across EU countries using the comparison method.

III. Results

France

The findings indicate that European countries have already established their regulatory frameworks for AI. For example, France's Institute for Education and Scientific Research produced "France AI"[9] in 2017, a document primarily based on recommendations from a group of high-level experts. A year later, this document served as the foundation for the legal framework titled "For a Meaningful Artificial Intelligence: Toward a French and European Strategy"[10] with further revisions. This strategic document provides comprehensive guidelines for the use of AI in four key sectors (healthcare, transportation, free movement, defense, and security), covering aspects such as research, training, innovation, and technology transfer. However, the strategic document does not sufficiently address the risks associated with AI. Furthermore, it seems that this legal framework was primarily shaped by geopolitical considerations rather than being formulated by legal experts.

Germany

Germany also introduced its national AI strategy, known as the "National AI Strategy - AI Made in Germany," to the public in November 2018. This strategy, while more concise than France's, focuses on three main objectives:[11]

1. Strengthening AI research in Germany, which includes the establishment of at least 100 additional professorial positions.
2. Advancing the use of AI in industry, with a particular emphasis on small and medium-sized enterprises (SMEs).

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[7] *Europe and AI: Leading, Lagging Behind, or Carving Its Own Way?* (2020, July 9). Carnegie Endowment for International Peace. Retrieved April 4, 2024, from https://carnegieendowment.org/2020/07/09/europe-and-ai-leading-lagging-behind-or-carving-its-own-way-pub-82236

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[9] Vayatis, N., Braunschweig, B., Sadek, D., & Albert, P. (2017, March 21). *rapport de synthèse france intelligence artificielle*. economie.gouv. Retrieved April 4, 2024, from https://www.economie.gouv.fr/files/files/PDF/2017/Rapport_synthese_France_IA_.pdf

[10] Cedric Villani. (2018, March 8). *For a Meaningful Artificial Intelligence Towards a French And European Strategy*. report to the French Government. https://www.aiforhumanity.fr/pdfs/MissionVillani_Report_ENG-VF.pdf

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3. Promoting the responsible development and use of AI, with a focus on ensuring social and individual rights are protected.

Additionally, the strategy outlines phased objectives for AI adoption in 12 areas until 2025.[12] The government aims to improve citizen services through AI by simplifying information provision and usage, making decisions based on AI algorithms, ensuring compliance with national data-sharing legislation, fostering international and national cooperation on AI projects, and highlighting the importance of public opinion in shaping citizens' political and legal attitudes towards AI.[13]

The UK

In 2018, the UK government unveiled the "AI Sector Deal," committing £603 million to address the needs of government, industry, and academia, with an additional £1 million earmarked for state-led initiatives. However, criticisms arose due to the lack of a clear timeline in the document.[14] The "AI Sector Deal" is in line with the UK's industrial strategy, focusing on five key areas: ideas, human, infrastructure, business, and the environment.[15] Furthermore, it delineates essential principles for harnessing data and AI-driven opportunities, along with setting explicit goals for advancing the nation's industry, utilizing AI, and retaining its global leadership position.

Finland

In 2017, Finland adopted a strategic document titled "Finland's Age of Artificial Intelligence".[16] Unlike other European countries, it emphasizes starting from scratch and mastering AI. In 2018, a working group focused on societal and labor transformations produced a document titled "Work in the age of AI - Four prespectives on Economy, Employment, Skills, and Ethics." Then, in 2019, Finland's AI program was named "Path to the AI Era." The primary focus is on educating and training citizens about AI-related processes.[17] Another unique aspect of Finland's strategy is its use of SWOT analysis, considering demographic conditions, citizen aspirations, strategic goals, geopolitical consequences, and resource limitations when formulating strategic objectives regarding AI.[18]

Estonia

Estonia is known for its robust information technology infrastructure built on high-quality electronic management and digitization. In 2019, it unveiled a short-term AI strategy, with a focus on recognizing the significance of AI across different private and public sectors. Special emphasis is placed on leveraging AI in processes related to providing government services to citizens within the state sector. Between 2019 and the end of 2020, their objective was to integrate AI into 50 processes and deploy 23 AI technologies to enhance governmental operations across diverse fields.[19] For example, AI was utilized to predict optimal deployment locations for police officers to manage traffic

[12] German Federal Cabinet. (2018, November 15). *Strategie Künstliche Intelligenz der Bundesregierung*. https://www.bmwi.de/Redaktion/DE/Publikationen/Technologie/strategie-kuenstliche-intelligenz-der-bundesregierung.pdf?__blob=publicationFile&v=6

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[17] Delcker. (n.d.). *Finland's Grand AI Experiment*.

[18] Lofred Madzou, Punit Shukla, Mark Caine, Thomas A, Campbell, Nicholas Davis, Kay Firth-Butterfield, Farah Huq, Bryan Lim, Xuan Hong Lim, Rachel Parker, Tobias Straube, Elissa Strome, & Julian Torres Santeli. (August, 2019). *A Framework for Developing a National Artificial Intelligence Strategy*. World Economic Forum.

[19] *National AI strategy for 2019-2021 gets a kick-off*. (2019, October 31). e-Estonia. Retrieved April 4, 2024, from https://e-estonia.com/nationa-ai-strategy/

flows. Additionally, one of their notable initiatives is the "AI Judge" extensively employed to streamline various bureaucratic tasks.[20]

Sweden

In 2018, Sweden presented its "National Strategy for AI" to the wider public. The country's unique approach is characterized by its focus on shaping legal frameworks. The strategic document addressed the following points:

- ✓ Establishing standards and legal frameworks for secure, sustainable, and ethical AI;
- ✓ Enhancing the utilization of digital infrastructure in AI usage;
- ✓ Increasing access to data;
- ✓ Promoting active participation in AI-related initiatives.[21]

IV. Discussion

The findings indicate that, although AI countries may not have fully developed legal mechanisms in their legislation, the fundamentals exist. The following is a table of European countries that have adopted strategic documents on AI:

Data	Country	AI Deliverable/Action Plan
December 18, 2017	Finland	Publication of a national AI strategy
March 6, 2018	UK	Launch of "Sector Deal for AI" report
March 2018	Italy	Publication of "AI at the Service of Citizens" white paper
March 29, 2018	France	Publication of a national AI Strategy (the Villani report)
May 16, 2018	Sweden	Publication of a national AI strategy
November 16, 2018	Germany	Publication of a national AI strategy
March 2019	Spain	Release of a national research, development, and innovation strategy in AI
March 14, 2019	Denmark	Publication of a national AI strategy
March 14, 2019	Lithuania	Publication of "Lithuanian Artificial Intelligence Strategy: A Vision of the Future"
March 18, 2019	Belgium	Launch of the "AI4 Belgium Initiative strategy"
May 6, 2019	Czechia	Publication of a national AI strategy
May 24, 2019	Luxembourg	Publication of a national AI strategy

[20] Niiler, E. (2019, March 25). *Can AI Be a Fair Judge in Court? Estonia Thinks So*. WIRED. Retrieved April 4, 2024, from https://www.wired.com/story/can-ai-be-fair-judge-court-estonia-thinks-so/

[21] Government Offices of Sweden. (2018, May). *National Approach to Artificial Intelligence*. Wikipedia. Retrieved April 4, 2024, from https://www.regeringen.se/4aa638/contentassets/a6488ccebc6f418e9ada18bae40bb71f/national-approach-to-artificial-intelligence.pdf.

June 11, 2019	Portugal	Publication of the national AI strategy “AI Portugal 2030”
June 26, 2019	Austria	Publication of “Artificial Intelligence Mission Austria 2030”
July 25, 2019	Estonia	Publication of a short-term national AI strategy for 2019–2021
August 21, 2019	Poland	Launch of the Artificial Intelligence Development Policy for 2019–2027
October 3, 2019	Malta	Release of “A Strategy and Vision for Artificial Intelligence in Malta 2030”
October 9, 2019	Netherlands	Publication of a “Strategic Action Plan for AI”
January 14, 2020	Norway	Publication of a national strategy on AI

Most European countries have adopted their own legislative frameworks and developed strategic documents to advance and regulate processes related to artificial intelligence (AI). Some are currently working on this initiative. The main objective is for the European Commission to analyze these strategic documents and create a single comprehensive legal framework acceptable for all European countries. The European Commission's activities on AI are considered to consist of two phases:

1. Until 2014 to 2020:[22]
2. From 2021 to 2027:[23]

During this period, various investments and phased legal frameworks were allocated for AI-related initiatives.

The European Commission adopted a series of laws on AI, including the "White Paper on Artificial Intelligence—A European Approach to Excellence and Trust"[24] the "European Data Strategy"[25] and "Shaping Europe's Digital Future."[26] Subsequently, von der Leyen was appointed as the President of the Commission's Task Force on AI Regulation. Notably, the Commission created an opportunity for public opinion on the "White Paper on Artificial Intelligence—A European Approach to Excellence and Trust" until May 2020. The primary aim of this AI law is "to occupy leading positions globally."[27] The European AI strategy has accomplished three main tasks:

a. Strengthening the digitization policy, cybersecurity, and boosting the GDP.

[22] European Commission. (n.d.). *Robotics – Horizon 2020*. Wikipedia. Retrieved April 4, 2024, from http://ec.europa.eu/programmes/horizon2020/en/h2020-section/robotics.

[23]European Commission. (2019, June 26). *Digital Europe Program: A Proposed €9.2 Billion of Funding for 2021–2027*. Wikipedia, the free encyclopedia. Retrieved April 4, 2024, from https://ec.europa.eu/digital-single-market/en/news/digital-europe-programme-proposed-eu92-billion-funding-2021-2027.

[24]*White Paper on Artificial Intelligence: a European approach to excellence and trust*. (2020, February 19). European Commission. Retrieved April 4, 2024, from https://commission.europa.eu/publications/white-paper-artificial-intelligence-european-approach-excellence-and-trust_en

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[26] European Commission. (2020, February 19). *Shaping Europe’s Digital Future*. Wikipedia. Retrieved April 4, 2024, from https://ec.europa.eu/info/sites/info/files/communication-shaping-europes-digital-future-feb2020_en_3.pdf

[27] *White Paper on Artificial Intelligence: a European approach to excellence and trust*. (2020, February 19). European Commission. Retrieved April 4, 2024, from https://commission.europa.eu/publications/white-paper-artificial-intelligence-european-approach-excellence-and-trust_en

b. Establishing legal foundations for creating and shaping the European data space and legal frameworks for obtaining personal data securely.

c. Addressing risks associated with "high-risk AI." As a result, two main risks were identified: first, personal data security and, second, ensuring the security of responsibility systems.

However, these laws only partially address AI capabilities, failing to fulfill the task of providing comprehensive regulatory frameworks for AI. Consequently, the European Commission conducted extensive consultations on this law. In March 2024, the Commission adopted the law. The "AI Act" consists of 13 chapters and 113 articles. The first article states: "The purpose of this Regulation is to promote the internal market for AI systems (AI systems) by ensuring a high level of safety, security, and fundamental rights protection, thereby facilitating the continuous improvement and enhancement of human-centric and trustworthy artificial intelligence (AI). Fundamental rights, including democracy, the rule of law, and the protection of the environment, must be safeguarded, and the harmful effects of AI systems within the Union (AI systems) and support innovation."[28]

Additionally, the regulation clarifies 68 concepts related to AI, including artificial intelligence, risk, operator, data subject, distributor, and legal protection.

V. Conclusion

The developments indicate that while almost all European countries have adopted their strategic decisions on AI, the approval of the "AI Act" ratified by the European Commission in March 2024 emphasized its foundational role for all European states. The following conclusions can be drawn:

Firstly, it is necessary for Uzbekistan to create a legal framework for AI and establish mechanisms for its phased implementation. Specifically, amending Article 3 of the Law of the Republic of Uzbekistan "On Informatization" to include the definition of "artificial intelligence" is imperative, as this concept is currently not defined in any legal document.

Secondly, based on the "AI Act" adopted by the EU in 2024, it is essential for Uzbekistan to develop its own national law on AI. This is because AI-related activities are continuously evolving in Uzbekistan.

Thirdly, Estonia, among other European countries, is using AI to simplify and automate routine tasks in its judicial system. Following this example, Uzbekistan should consider developing technologies such as a "National AI Guardian" within its legal protection system. However, this would require considerable time and financial resources.

Fourthly, leveraging Finland's experience, it is crucial for Uzbekistan to provide training, educational resources, and video tutorials on AI. This is essential for building public immunity to AI-related risks and threats. While AI offers numerous advantages, there are still risks associated with its use, and citizens must be able to distinguish between processes involving AI and those that do not.

In conclusion, Uzbekistan needs to swiftly adapt to the advancements in AI by establishing a legal framework, developing its own national AI law, integrating AI into the legal protection system, and providing training to citizens. These steps are essential to harness the benefits of AI while mitigating its potential risks.

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