

*Ref. BB-LF 54-2023*

Brussels, 26<sup>th</sup> November 2023

Mr Emmanuel MACRON  
Président de la République française

**OPEN LETTER:**

**Urging the Approval of the EU AI Act**

Mrs Giorgia MELONI  
Presidente del Consiglio dei Ministri

Mr Olaf SCHOLZ  
Bundeskanzler der Bundesrepublik Deutschland

Dear Mr MACRON, dear Mrs MELONI, dear Mr SCHOLZ,

We are at a critical juncture in the lifespan of the proposed AI Act. In the trilogue phase, this regulation is under threat due to what we believe is a misguided pushback, from representatives of your governments, in favour of self-regulation by companies that deploy foundational AI models (such as ChatGpt and Bard). This means these companies should adhere to their own codes of conduct, rather than being directly regulated by official bodies. The change in approach is delaying the AI Act's approval, particularly with the upcoming EU Parliament elections in June. More critically, it may undermine its effectiveness and pose severe risks for the rights of European citizens and European innovation. Against a self-regulatory approach, we urge all the parties involved in the trilogue to approve the AI Act as soon as possible. Below, we outline three key reasons to support the approval of the AI Act in its original form.

**Companies should not make the rules themselves.**

Codes of conduct, even when mandatory, are insufficient and often ineffective. When companies regulate themselves, they may prioritise their profits over public safety and ethical concerns. It is also unclear who will monitor the development and applications of these codes of conduct, how, and with what degree of accountability. This approach rewards the companies that gamble by not investing time and resources in robust codes of conduct, to the detriment of the compliant.

This is also a disservice to the AI industry as it leaves companies wondering whether their products and services will be allowed in the market and whether they may face fines post-marketing. Uncertainties may need to be patched up with direct rules after the Act has already been passed, thus limiting the parliamentary debate. Finally, if each company or sector makes its own rules, only a confusing patchwork of standards can emerge, increasing the burden of supervision for the regulator but also making it more costly for companies to comply with standards, thus hindering both innovation and compliance. This goes against one of the critical goals of the AI Act, which is to harmonise standards across the EU.

**The EU leadership in AI regulation**

The current resistance from France, Italy and Germany regarding regulations for foundational AI models puts the EU's leadership in AI regulation at risk. The EU has been at the cutting edge, advocating for regulations that ensure technology is safe and fair for everyone. But this first-move advantage could be lost if the remaining regulatory challenges are not swiftly and successfully addressed. An indecisive EU will

lose its competitive edge to countries like the US and China. European citizens risk using AI products regulated according to values and agendas not aligned with European principles.


### **The Costs of Not Having Rules for AI**

Delaying the regulation of AI comes at significant costs. Without common rules, citizens are vulnerable to AI applications that do not serve the public's best interest. This lack of regulation opens the door to potential misuse and abuse of AI technologies. The consequences are severe, including privacy violations, bias, discrimination, and threats to national security in critical areas like healthcare, transportation, and law enforcement. Economically, unregulated AI applications can distort competition and market dynamics, creating an uneven playing field where only powerful and well-funded companies will succeed. It is a mistake to think that regulation works against innovation: it is only through regulation and hence fair competition that innovation can flourish, to the benefit of markets, societies, and environments. More innovation is achievable only through better regulation.

In conclusion, the AI Act is more than just a law. It's a statement about what values we, as Europeans, want to promote, and which kind of society we wish to build. It implements and further supports the EU's identity and reputation. It highlights the EU's credibility and leadership role in the worldwide AI community.

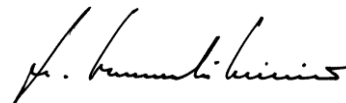
For all these reasons - five years after the publication of the *AI4People's Ethical Framework for a Good AI Society* which guided the initial work of the High-Level Group on AI of the European Commission - we urge the EU institutions and Member States to find a compromise that preserves the integrity and ambition of the AI Act. Let this legislation be a beacon of responsible and ethical AI governance, setting a global example for others to follow.

Sincerely,



Luciano FLORIDI

Founding Director Digital Ethics Center, Yale University  
First Chairman Scientific Committee, AI4People Institute



Michelangelo BARACCHI BONVICINI

President, Atomium-EISMD  
President, AI4People Institute

Cc:

Mrs Ursula VON DER LEYEN, President of the European Commission  
Mrs Roberta METSOLA, President of the European Parliament  
Mr Pedro SANCHEZ, President of the Government of Spain  
Mr Thierry BRETON, European Commissioner for Internal Market  
Mr Bruno LE MAIRE, Minister of the Economy and Finance, France  
Mr Dragoş TUDORACHE, MEP, Co-rapporteur for the AI Act, European Parliament  
Mr Brando BENIFEI, MEP, Co-rapporteur for the AI Act, European Parliament

*Co-signed by (in alphabetical order):*

Prof Raja CHATILA, Professor Emeritus of Artificial Intelligence, Robotics and IT Ethics Sorbonne University

Mr Patrice CHAZERAND, Director Public Affairs, AI4People Institute, former Director Public Affairs Digital Europe

Prof Donald COMBS, Vice President and Dean, School of Health Professions Eastern Virginia Medical School

Dr Bianca DE 'TEFFE' ERB, Data and AI Ethics Director, Deloitte

Prof Virginia DIGNUM, Professor in Responsible Artificial Intelligence, Umeå University  
Member of the United Nations High-Level Advisory Board on Artificial Intelligence

Dr Rónán KENNEDY, Associate Professor, School of Law, University of Galway

Dr Robert MADELIN, Chairman Advisory Board AI4People Institute

Dr Claudio NOVELLI, Postdoctoral Research Fellow, Department of Legal Studies, University of Bologna  
International Fellow at the Digital Ethics Center (DEC), Yale University

Prof Burkhard SCHAFER, Professor of Computational Legal Theory, University of Edinburgh

Prof Afzal SIDDIQUI, Professor in the Department of Computer and Systems Sciences, Stockholm University

Prof Sarah SPIEKERMANN, Chair of the Institute for IS & Society, Vienna University of Economics & Business

Prof Ugo PAGALLO, Full Professor of Jurisprudence, Legal Theory, and Legal Informatics at the Department of Law,  
University of Turin

Prof Cory ROBINSON, Professor in Communication Design & Information Systems Linköping University

Prof Elisabeth STAUDEGGER, Professor of Legal Informatics and IT Law (Information Technology Law),  
Head of the Legal and IT Department at the Institute for Legal Foundations,  
University of Graz

Prof Mariarosaria TADDEO, Professor of Digital Ethics and Defence Technologies  
Oxford Internet Institute, University of Oxford

Prof Peggy VALCKE, Full professor of law & technology at KU Leuven and vice dean for research at the Leuven Faculty  
of Law & Criminology