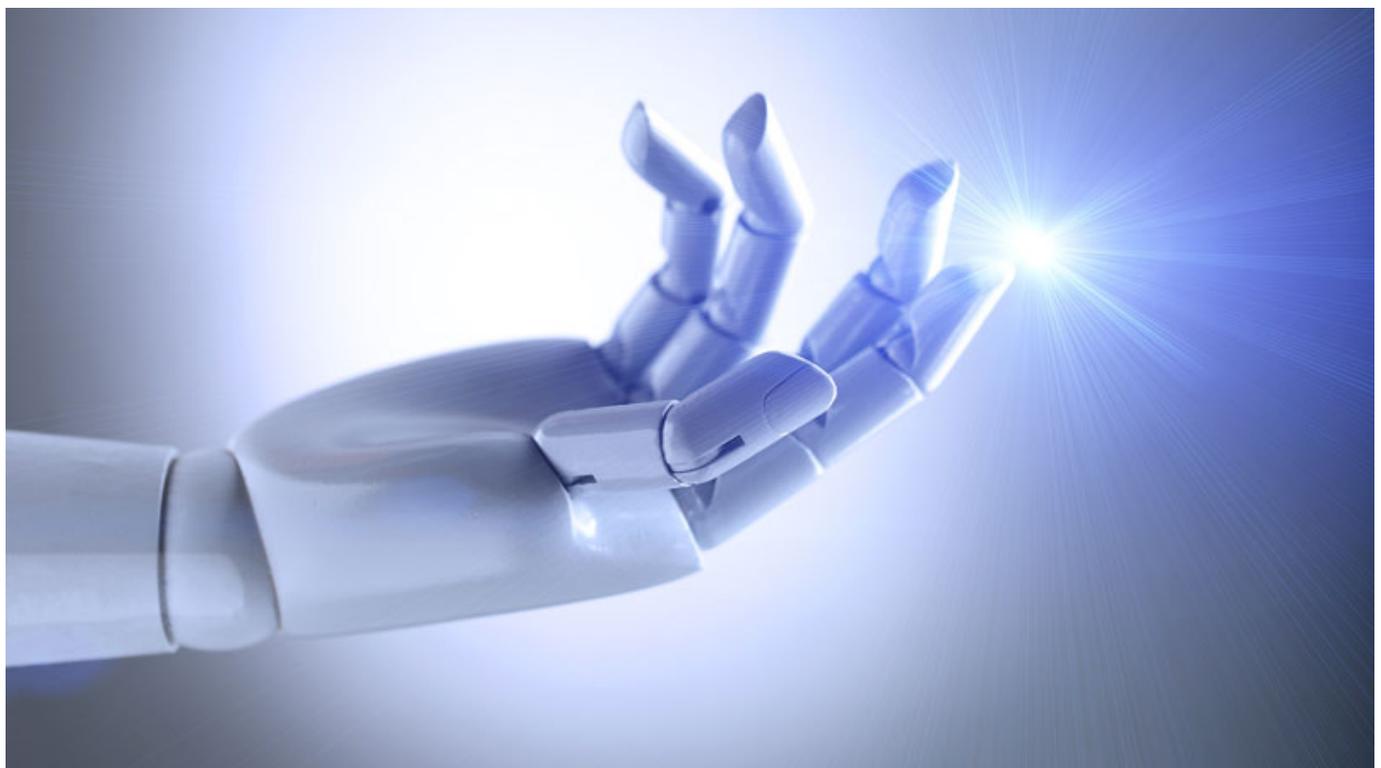


## Civil Law Rules on Robotics

Written by Sofia Kalogeraki on 17 February 2017 in EU Monitoring  
EU Monitoring

***On February 16, the European Parliament's Plenary Session adopted the JURI report on civil rules on robotics.***



*A debate was held the day before, where MEPs stressed the need to ensure that the robotics impact on the labour market is properly examined and that issues on liability should be properly addressed. Please find more details below.*

**Maddy Delvaux (S&D, LU)** stressed that robotics are already used and developed in Europe and therefore it is urgent that a wide debate takes place on the issue. She would first like to clarify two points: robots are not human beings and there is no question of assimilating them to humans, and secondly, the European robotic industry and research are very efficient. Robotics and artificial intelligence are sectors of the future. It is important that Europe remains competitive on the world market. This is why the time has come to put together guidelines for the development of robotics. It is necessary to regulate, without excess, when necessary.

First, there is the question of civil liability for damage caused by a robot. This can either mean strict

liability or a risk-based management, nevertheless, it should be ensured that the damage caused is compensated. Standardisation must be speeded up. To ensure the highest level of security possible, protocols need to be established.

The enforcement of data protection rules is one of the biggest challenges. Robots collect and receive masses of information of all kinds: who owns this data, who has access to it? The report proposes an ethics charter, a code of ethics for programmers. The report also insists on the necessity of transparency.

The deployment of robots will have an impact on all aspects of life and therefore on work. Studies diverge: some predict a massive destruction of jobs, others are less pessimistic and consider that the jobs destroyed will be compensated by the creation of new jobs. It is clear, however, that ways of working will change and that educational systems will face enormous challenges to ensure the re-qualification of those who are active and to train young people in professions that do not yet exist.

The report is not technophobic, it identifies the positive contributions: robots will be able to carry out hazardous or painful work, they will facilitate the work of many professionals, they will promote the integration of people with a disability. But no one can predict whether robots will destroy more jobs than they create.

On the other hand, the concerns of the citizens should be listened too. If, indeed, work becomes scarce, it must be ensured that all citizens have an income sufficient to live a dignified life. That is why she was arguing for a rational debate, supported by expertise and studies, on the option of universal income and, of course, how to finance it by looking for alternative sources of finance.

**Michel Boni (EPP, RO)**, author of the LIBE opinion, stressed that the fast development of learning machines requires rules, European harmonised standards and the possibility to register all artificial intelligence and have it monitored. Secondly, ethical principles and respect for fundamental rights are crucial. This should begin from the moment constructors start the work with algorithms on privacy and security, to make those by default. Thirdly, it is crucial to raise awareness and avoid, through ethical guidance, the emotional dependency of humans cooperating with robots. Fourthly, this is not the time for strong regulation. It is better to use the soft-law principles approved by all stakeholders in the Code of Conduct, using existing laws and adjusting them to the new challenges. Fifthly, this is not the time for new taxes, but work has to continue on the liability problem. Sixthly, transition-period programmes for workers are needed so that people can adjust to the new challenges both mentally and professionally. This is better than a general basic income, he concluded.

**Georg Mayer (ENF, AT)**, author of the TRAN Opinion, argued that the dimensions of the issue cannot be estimated yet, in terms of how robots interact with human abilities and how many sectors, including transport, will be affected.

**Commissioner Carlos Moedas for Research, Science and Innovation**, recognised that this is a crucial report on all the legal questions related to the development of robotics and artificial intelligence. The European Parliament's text highlights the challenges and opportunities of this sector, and points towards a clear need for a coherent European approach. It is also calling for Europe to have a strong presence and investment in its technology in order to maintain leadership. In the European Commission, the importance and the potential of robotics and artificial intelligence, and the need for significant investment in these areas has been long recognised. An ambitious public and private partnership for robotics in Europe has been set up: Sparc. This partnership not only brings the academic and research institutions, industry and business together, but also looks into questions related to ethics and law. Sparc is by far the biggest civilian research programme in this area in the world, with EUR 700 million from EU funding from Horizon 2020 to be leveraged up to EUR 2.8 billion

by private investment.

Robots are operational in the EU industry and used in many sectors of the economy and life. Robots in the internet of things are going to be the internet of the intelligent things, and they will move beyond manufacturing and industry into areas such as transportation, medicine, care for the elderly, and financial services. As Mr Mayer said, they will complement human skills. Without doubt, the technical revolution brought by autonomous systems needs to be facilitated, because Europe must remain the leader in this field and make sure robotics and artificial intelligence continue to bring benefits to European citizens, industry and especially SMEs and start-ups that are active in this sector. He furthermore recognised that further investment must take place in scientific understanding of the technical aspects of artificial intelligence and of its socio-economic impacts, as well as of its consequences for the rule of law, fundamental rights and democracy.

However, moving forward in this area needs to be guided by an ethical approach based on principles and values enshrined in the Treaty on the European Union and in the Charter of Fundamental Rights. He commented in particular on the European Parliament's request for the Commission to come forward with a legislative proposal on civil liability for damage caused by robots. EU legislation applying to robots exists already. The Machinery Directive, the General Product Safety Directive, the proposed legislation on medical devices, and the regulation on common rules in the field of civil aviation currently under revision also includes concrete measures to ensure the safe operation of civil drones. And the new General Data Protection Regulation that will also be fully applicable to any kind of processing of personal data, which includes artificial intelligence and robots.

Second, the European Commission is looking at any need for adjustment of the current legislation. And third, the European Commission is aware that legal certainty on liability is of paramount importance for innovators, investors and consumers, providing them with the legal certainty they need. But the complexity of digital technologies makes it particularly difficult to determine who is liable and to what extent in case of failure. That is why the Commission has put in its communication and presented a communication last month on building up a European data economy. They are consulting with a wide range of stakeholders on the new challenges in this field, covering the liability questions relating to autonomous systems. Simultaneously, we are evaluating the Product Liabilities Directive with regard to emerging technologies.

Fourth, testing and experimenting will be important as will gathering data and gaining experience. This in turn will then help the EU with designing a suitable legal framework. On the communication on building a new European data economy, they have included plans for cross-border corridors to test connected automated driving.

He finally wanted to outline the importance of smart legislation, technologically neutral and future proof when dealing with technologies and jobs.

He agreed with MEPs that the impact of digitalisation on European societies and labour market needs to be closely monitored and anticipated. The different studies that have assessed that evolution reached diverging conclusions from catastrophic predictions on the labour market to a positive impact on job creation. In 2015, the Fraunhofer Institute indicated that EU companies which are intensive users of robotics are less likely to offshore production to low-cost regions because robots improve their cost production so much that they can stay in high-wage regions and create other jobs. Technological change will create new jobs in services and will complement human skills. Robots are also used in many areas with labour shortages such as healthcare, farming and even manufacturing. Many robots do tasks that are repetitive and dangerous for humans, such as inspecting oil tanks or welding metal parts. Far from replacing humans, robots allow the workforce to focus on other more economically useful, creative or social activities where robots cannot and will never replace us.

The Commission is fully aware of the challenges ahead and has already launched concrete measures to address them. They have adopted a New Skills Agenda for Europe, the Digitising European Industry blueprint and, last December, launched a Digital Skills and Jobs Coalition, which aims at equipping the workforce at large with the necessary digital skills to thrive in a digital workplace.

**Kaja Kallas (ALDE, EE)**, author of the opinion of the Committee on Industry, Research and Energy, said that robots and artificial intelligence need to compliment humans: both need to, and can, work as a team. The policy makers' role is to drive policy that makes individuals active consumers of robots rather than passive ones. "However, we cannot have active and empowered individuals if we shift all the responsibility onto robots or manufacturers if something goes wrong" she said. This is the problem with the strict liability approach or an electronic personality for robots. Developing autonomous robots and putting them on the market requires risk-taking investment and vision. Focus must be made not only on precaution but also on innovation. Introducing a tax on robots, for instance, will simply kill innovation and drive the engineers developing robots elsewhere. Forward-looking and pro-innovation EU policy should exist not only in words but also in action.

**Dita Charanzová, (ALDE, CZ)** author of the opinion of the Committee on the Internal Market and Consumer Protection, stressed that the European Parliament's position should focus on the current realities of robotic systems and what is needed to help develop the regulatory environment to allow their increased used and manufacturing in Europe. The belief that robots are going to steal everyone's job must be rejected. By 2025, in less than 10 years, robotics could add more than EUR 1 trillion to the European economy. The benefits far outweigh any risks, provided that the rules of the Internal Market apply.

**Cristian-Silviu Buşoi (EPP, RO)** said that medical robot devices already provide better diagnoses and better insight into treatment, care and rehabilitation options, and will move forward the boundaries of medicine in the future. The Committee on the Environment, Public Health and Food Safety focused in the opinion on the importance of keeping the patient-doctor relationship as regards to diagnosis, treatment and follow-up. It also focused on the importance of medical education and the training of health professionals. The Committee emphasised as well the importance of minimising the possible environmental and ecological footprint of robotics and maximising the potential for making processes more resource efficient.

Assessment of the long-term moral and ethical implications of new technologies before and throughout their development is imperative. Safety safeguards and standard safety certification procedures, and adaptation of the legislation on patient privacy, medical professional secrecy and data protection in the area of public health, is also necessary.



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