

# OPEN LETTER TO THE EUROPEAN COMMISSION ARTIFICIAL INTELLIGENCE AND ROBOTICS

Sign the letter

We, Artificial Intelligence and Robotics Experts, industry leaders, law, medical and ethics experts, confirm that establishing EU-wide rules for Robotics and Artificial Intelligence is pertinent to guarantee a **high level of safety and security to the European Union citizens** while fostering **innovation**.

As human-robot interactions become common place, the European Union needs to offer the appropriate framework to **reinforce Democracy and European Union values**. In fact, the Artificial Intelligence and Robotics framework must be explored not only through economic and legal aspects, but also through its societal, psychological and ethical impacts. In this context, we are **concerned** by the European Parliament Resolution on **Civil Law Rules of Robotics**, and its recommendation to the European Commission in its paragraph 59 f):

“Creating a specific **legal status for robots** in the long run, so that at least the most sophisticated autonomous robots could be established as having the status of electronic persons responsible for making good any damage they may cause, and possibly applying electronic personality to cases where robots make autonomous decisions or otherwise interact with third parties independently.”

## WE BELIEVE THAT:

1. The economical, legal, societal and ethical impact of AI and Robotics must be considered without haste or bias. The benefit to all humanity should preside over the framework for EU civil law rules in Robotics and Artificial Intelligence.

2. The creation of a **Legal Status** of an “electronic person” for “autonomous”, “unpredictable” and “self-learning” robots is justified by the incorrect affirmation that damage liability would be impossible to prove.

From a technical perspective, this statement offers many bias based on an overvaluation of the actual capabilities of even the most advanced robots, a superficial understanding of unpredictability and self-learning capacities and, a robot perception distorted by Science-Fiction and a few recent sensational press announcements.

From an **ethical** and **legal** perspective, creating a legal personality for a robot is inappropriate whatever the legal status model:

a. A legal status for a robot can't derive from the **Natural Person model**, since the robot would then hold human rights, such as the right to dignity, the right to its integrity, the right to remuneration or the right to citizenship, thus directly confronting the Human rights. This would be in contradiction with the Charter of Fundamental Rights of the European Union and the Convention for the Protection of Human Rights and Fundamental Freedoms.

b. The legal status for a robot can't derive from the **Legal Entity model**, since it implies the existence of human persons behind the legal person to represent and direct it. And this is not the case for a robot.

c. The legal status for a robot can't derive from the **Anglo-Saxon Trust model** also called *Fiducie* or *Treuhand* in Germany. Indeed, this regime is extremely complex, requires very specialized competences and would not solve the liability issue. More importantly, it would still imply the existence of a human being as a last resort – the trustee or fiduciary – responsible for managing the robot granted with a Trust or a *Fiducie*.

## CONSEQUENTLY, WE AFFIRM THAT



> The European Union must prompt the development of the AI and Robotics industry insofar as to limit health and safety risks to human beings. The protection of robots' users and third parties must be at the heart of all EU legal provisions.

> The European Union must create an actionable framework for innovative and reliable AI and Robotics to spur even greater benefits for the European peoples and its common market.



## CIVIL LAW RULES ON ROBOTICS

On February 16 2017, the European Parliament adopted a Resolution on Civil Law Rules of Robotics.

This resolution reads in its paragraph 59 f) : *“Creating a specific legal status for robots in the long run, so that at least the most sophisticated autonomous robots could be established as having the status of electronic persons responsible for making good any damage they may cause, and possibly applying electronic personality to cases where robots make autonomous decisions or otherwise interact with third parties independently;”*

In fact, a delegating amendment for §59 f) was tabled and 285 Members of Parliament voted in favor of its deletion.

Prior to the vote, Mrs Delvaux the Luxemburgese Member of the European Parliament who drafted the Resolution, wrote a communication to all members of Parliament clarifying her intentions in the Resolution:

*“In the long run, determining responsibility in case of an accident will probably become increasingly complex as the most sophisticated autonomous and self-learning robots will be able to take decision which cannot be traced back to a human agent. For these cases, the report asks the Commission to carry out an impact assessment for a compulsory insurance scheme, which includes the possible idea of giving the legal status of an electronic personality to robots in order to facilitate compensation for victims when human responsibility cannot be fully attributed. Liability is in fact a central part of this report, because it is indispensable for citizens’ trust.”*



### WHO ARE WE ?

We are Political Leaders, AI/robotics researchers and industry leaders, Physical and Mental Health specialists, Law and Ethics experts gathered to voice our concern about the negative consequences of a legal status approach for robots in the European Union.

Fostering an actionable framework for civil law rules on robotics and AI consequently addressing the issue of liability of “autonomous” robots is our goal. However, we believe that creating a legal status of electronic “person” would be ideological and non-sensical and non-pragmatic.

The European Economic and Social Committee clearly stated in its opinion *“The consequences of Artificial Intelligence on the [digital] single market, production, consumption, employment and society”* §3.33 that they were opposed to any form of legal status for robots or AI.

Similarly, UNESCO’s COMEST \* report on *Robotics Ethics of 2017*, share a similar point of view : in the article 201 where they find “highly counterintuitive to call them ‘persons’ as long as they do not possess some additional qualities typically associated with human persons, such as freedom of will, intentionality, self-consciousness, moral agency or a sense of personal identity. It should be mentioned in this context, however, that the Committee on Legal Affairs of the European Parliament, in its 2016 Draft Report with recommendations to the Commission on Civil Law Rules on Robotics, already considers the possibility of “creating a specific legal status for robots, so that at least the most sophisticated autonomous robots could be established as having the status of electronic persons with specific rights and obligations, including that of making good any damage they may cause, and applying electronic personality to cases where robots make smart autonomous decisions or otherwise interact with third parties independently” (JURI, 2016, section 59.f).

\* : COMEST is the World Commission on the Ethics of Scientific Knowledge and Technology from UNESCO



## MORE THAN 150 EUROPEAN SIGNATORIES

> **Nathalie Nevejans**, Lecturer in Law, University of Artois (France), Member of the CNRS Ethics Committee **COMETS**. Expert in Ethics in Robotics at the **European Parliament**. Member of the Institute for the Study of Man-Robot Relations (IERHR).

> **Raja Chatila**, Institute of Intelligent Systems and Robotics – Sorbonne Université and CNRS Professor (France). Director of the Institute of Intelligent Systems and Robotics (ISIR). Former **President** of the **IEEE Robotics and Automation Society** (2014–2015). Member of the French Commission on the Ethics of Research on Digital Science and Technology (CERNA). **Chair of the IEEE Global Initiative on Ethics of Autonomous and Intelligent Systems**

> **Jozef Glasa, Chairperson**, Ethics Committee, **Ministry of Health (Slovak Republic)**; Delegate Member, Committee on Bioethics (DH-BIO, formerly CDBI), **Council of Europe**; Slovak Medical University in Bratislava, Institute of Health Care Ethics/Institute of Clinical and Experimental Pharmacology Head/Deputy Head. Professor of Laboratory Medicine

> **Noel Sharkey**, Emeritus Professor AI and Robotics (United Kingdom) **Foundation for Responsible Robotics**,

> **Alexandre Pereira**, Faculty of Law Professor at University of Coimbra, (Portugal). IT Law & **Cybersecurity** researcher and professor.

> **Sanja Dogramadzi**, Professor of Medical Robotics at UWE, Bristol Robotics Laboratory (United Kingdom). Member of **British Standard Institute** contributing to developments of Robotics standards for Service and Medical Robotics

> **Véronique Aubergé**, CNRS Researcher at LIG Grenoble (France). Scientific Head of Living Lab DOMUS-LI, Scientific co-Head of Roboethics Rectorate of Grenoble, INP Foundation President of Ethics Committee for Social Robotics of SFTAG.

> **Max Dauchet**, Emeritus professor, University of Lille (France) – **Chair of the French Commission on the Ethics of Research on Digital Science and Technology (CERNA)**

> **Wolfgang M. Schröder**, Professor of Philosophy, Institute for Systematic Theology, University of Würzburg (Germany) – Member of the **AG Digital Ethics / Initiative D21 Berlin** – Member of the **FAG Political Theory & Philosophy**, DGPhil.

> **Hugues Bersini**, Professor of Artificial Intelligence, co-Director of Institute of Interdisciplinary Research and AI Development **IRIDIA**, Université Libre de Brussels ULB (Belgium) – Member of the **Belgium Academy of Science**

> **Georg Martius**, Research Group Leader **Max Planck Institute for Intelligent Systems (MPG)** (Germany)

> **Koen Hindriks**, Interactive Robotics Associate Professor Interactive Intelligence at **Delft University of Technology (Netherlands)** – **CEO of Interactive Robotics**

> **Ulrich Borgolte**, Senior lecturer in Robotics and Mechatronics at FernUniversität in Hagen (Germany)

> **Benjamin Frugier**, **Executive Director** of **French Federation of Mechanical Engineering Industries FEM (France)**. The FEM is in charge of economic and technical interests of 25 trade associations, representing companies in the three following fields: Equipment, Transformation and Precision

> **Gyorgy Cserey**, **Head** of the Sensory Robotics Lab. at the **Faculty of Information Technology and Bionics** at Pazmany Peter Catholic University Associate professor (Hungary)

> **Domenico G. Sorrenti**, Bicocca Associate Professor, Dept. Computer Science, Università di Milano (Italy) – **Head of the Robotic Perception Laboratory**

> **Margo Dessertenne**, Trade groups manager at **Symp Robotics (France)**.

Symp is a French professional organisation gathering 270 SME enterprises and large corporations in Automation, robotics, ...

> **Lionel Sublet, CEO, Techplus**, **Symp Robotic Group General Manager (France)**.

> **Yves Poulet, Dean** and Emeritus Professor of Law, University of Namur and Catholic University of Lille (Belgium). Expert in ethics at **UNESCO and Council of Europe**

> **Jean-Claude Heudin**, Professor of Artificial Intelligence, University Paris Sud (France), Former Director and co-founder of the Institute of Internet and Multimedia, **Expert to the European Union** on the «**Future Emerging technologies**» project.

> **Ante Čović**, **Director at the Centre of excellence for Integrative Bioethics**, Vice-Rector for Organisation, Human Resources Development and Cross-University Cooperation (Croatia).

> **Serge Tisseron**, Psychiatrist, Université Paris VII Denis Diderot (France) – **Member of the Academy of Technologies** (Institute for the Study of Robot-Human relationship, IERHR)

> **Jean-Paul Laumond**, CNRS Research Director (France). Member of the **French Academy of Technologies** and the **French Academy of Sciences**

> **Jasna Lipozenčić**, **President** of the **Academy of Medical Sciences of Croatia (Croatia)**

> **John Michael Robson**, Emeritus Professor, University of Bordeaux (France). Researcher in Algorithms, Distributed Computing and Theory of Computation at **LaBRI** (Laboratory of Bordeaux Research in Computing)

> **Alan Winfield**, Professor of Robot Ethics at **UWE Bristol**, Robotics Laboratory, (United Kingdom). Member of the British Standards Institute working group on Robot Ethics; Member of the EC **Human Brain Project** Ethics Advisory Board; Member, Executive committee, **IEEE Global Initiative on Ethics of Autonomous and Intelligent Systems** and **Chair, IEEE Standards Working Group P7001** on Transparency in Autonomous Systems; Member, WEF Global Futures Council on The Future of Technology, Values and Policy

> **Kathleen Richardson**, Professor of **Ethics and Culture of Robots and AI**, De Montfort University (United Kingdom), Founder of the **Campaign Against Sex Robots**

> **Miguel Enrique Burguete**, PhD. Professor of **Philosophical Anthropology and Biopolitics**, Institute of Life Sciences and Observatory of Bioethics of the Catholic University of Valencia (Spain)

> **Calum MacKellar**, **Director of Research**, **Scottish Council on Human Bioethics**, Ethics Committee (Scotland)

> **Richard Everson**, Professor of **Machine Learning**, University of Exeter (United Kingdom), **Director** of the Exeter University **Institute for Data Science and Artificial Intelligence**

> **Richard Ashcroft**, Professor of Bioethics, School of Law, Queen Mary University of London (United Kingdom), **Director of the LLM in Medical Law**

> **Isabelle Poirot-Mazères**, Public law and Health Professor Université de Toulouse I Capitole, France

> **Thierry Magnin**, Professor in Ethics of Sciences and Technologies, **Rector** of the Lyon Catholic University (France). Member of The **French National Academy of Technologies**.

> **Jean-Michel Besnier**, Emeritus Philosophy Professor at University of Paris-Sorbonne, (France), **Member of CNRS and INRA Ethics Committees**.

> **Christopher Markou**, The University of Cambridge, Lecturer (United Kingdom). **Legal Expert Committee, Responsible for Robotics**.

> **David Doat**, **Rector** of Lille Catholic University (France). ETHICS Lab (EA-7446), **Chair of the « Ethics & Transhumanism »** department



> **François Chaumette**, Senior Scientist **INRIA (France)**. Expert in robotics, Member of the Administrative Committee of the **IEEE Robotics and Automation Society**. IEEE Fellow.

> **Aude Mirkovic**, Private Law Lecturer at **Université d'Evry (France)**.

> **Yvan Measson**, CEO of **ISYBOT** Industrial Collaborative robots (**France**) -16 years of experience as a researcher at CEA-LIST (Institute of CEA Tech dedicated to Numerical Intelligent Systems).

> **Malik Ghallab**, Emeritus Research Director, **CNRS LAAS (France)**. Academic research organization.

> **Igor Čatić**, Head of the Scientific Research Committee for Bioethics, Technique and Transhumanism, Scientific Center of Excellence for Integrative Bioethics, University of Zagreb (**Croatia**) – FAMENA Professor emeritus

> **Céline Castets-Renard**, Private Law Professor specialised in IT law, Université Toulouse Capitole, (**France**). Fulbright Visiting Scholar, Fordham Law School (**New York City**).

> **Antoinette Rouvroy**, FNRS / Crids, University of Namur permanent research associate (**Belgium**). Senior researcher at the Information, Law & Society Research Centre; professor of digital ethics, University of Namur; member of the **European Data Protection Supervisor's ethics advisory group**; Member of the **CNIL's** foresight committee..

> **Xavier Dijon**, Professor emeritus, Faculty of Law, University of Namur, Former Member of the Consultative Council of Bioethics (**Belgium**).

> **Jordi Albó Canals**, Everis-NTT DATA Chief Scientific Officer – Boston Exponential Hub / Social Robotics Manager (**Spain**).

> **Julija Erhardt**, Faculty of Science, University of Zagreb Dr. sc., research associate, senior lecturer (**Croatia**). Center for excellence for integrative bioethics, member of **Ethical Committee**, University of Zagreb.

> **François Pellegrini**, Professor in Computer Science, University of Bordeaux (**France**). Researcher at **LaBRI** and **Inria**, Commissioner at the **CNIL** French National Computer and Freedom Commission.

> **Leonor Tamayo**, President, **Profesionales por la Ética (Spain)**

> **Christophe Lazaro**, Associate Professor, UCL, (**Belgium**). Associate Professor at the Centre for Philosophy of Law (CPDR) of the University of Louvain (UCL). Member of the **French Commission on the Ethics of Research on Digital Science and Technology (CERNA)**.

> **Alain Strowel**, Professor specialised in Internet and IT law, UCLouvain, Université Saint-Louis – Brussels (**Belgium**).

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> **Jean-Paul Delahaye**, Professor emeritus of computer science, University of Lille, (**France**). Member of CRISTAL (Centre de Recherche en Informatique, Signal et Automatique de Lille, **CNRS**) – Member of **COMETS** (Comité d'Ethique du Centre National de la Recherche Scientifique (CNRS)).

> **Jordi Vallverdú**, Teaching and Research professor Universitat Autònoma de Barcelona Professor (**Spain**). Expert in Computational Philosophy and Cognitive Sciences

> **Jérôme Durand-Lose**, Professor in Computer Science, University of Orléans (**France**). Detached to CNRS at the Computer Lab of **Ecole Polytechnique LIX**

> **Rachid Alami**, Research Director **CNRS (France)** – Head of Robotics an InteractionS Team, **LAAS-CNRS**, Toulouse.

> **Sabina Leonelli**, Professor of Philosophy and History of Science, University of Exeter, (**United Kingdom**), Leading researcher in data studies and ethics, philosophy, history and social studies of data-intensive science and science governance. Member of **EU Open Science Policy Platform**.

> **Jean-Pierre Merlet**, Senior Scientist, **INRIA (France)**. Expert in assistance robotics, member of IFToMM Executive Council, **IEEE Fellow**.

> **Daniele Bourcier**, Research Director Emeritus, **CERNA (France)**. Jurist, Member of Executive Committee of international association AI & Law (IAAIL), Member of French Commission on Digital Ethics at CERNA

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> **Gérard Bailly**, Research Director **CNRS (France)**. Chair of **CRISSP** (Cognitive Robotics, Interactive Systems & Speech Processing) at GIPSA-Lab – Member of the current **ISCA** (International Speech Communication Association) board.

> **Côme Bommier**, Secretary-General of SFFEM French and Francophone Society of Medical Ethics (**France**)

> **Paolo Robuffo Giordano**, Research Director in Robotics at **CNRS (France)**.

> **Sylvie Saget**, PhD Student in **Conversational AI**, University of Gothenburg (**Sweden**)

> **Pierre Kancir**, Robotics research engineer at **AzurDrones**, French leader in automated industrial UAVs (**France**)

> **Eric Germain**, CERNA Historian (**France**). Member of the French Commission on the Ethics of Research on Digital Science and Technology (**CERNA**).

> **Eduardo Fernandez-Moral**, PhD in Robotics perception **INRIA (Spain)**. Computer vision and deep learning for robotics

> **Emmanuel Aubin**, Vice President Social Relation and Ethics, University of Poitiers, (**France**). Member of **Institute of Public Law**, Specialized in Deontology and Ethics in the public administration.

> **Maartje De Graaf**, Postdoctoral Research Associate **Brown University (Netherlands)**. Social and Behavioral Scientist.

> **Serge Bringolf**, Designer and co-founder of Robosphere (**Switzerland**)

> **Thierry Lefebvre**, **TENWHIL** Sales Executive Manager (**France**)

> **Nenad Vertovšek**, Doc. PhD; associate at University of Zadar (**Croatia**). Department of Croatian and Slavic studies Zadar.

> **Vincent Meyer**, Tenure Professor of Information and Media, University of Nice Sophia Antipolis (**France**)

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> **Patrick Rives**, Senior Scientist and **Research Director INRIA (France)** Expert in Autonomous Vehicles and Mobile Robotics.

> **Pierre Duconseille**, Exhibition curator Cité des Sciences and Palais de la Découverte, **Universcience, (France)**. Exhibition on Robots

> **Pierre-Yves Oudeyer**, Research director at National Institute of Research on Computer Sciences and Automation **INRIA (France)**.

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> **Peggy Larrieu**, Lecturer in Law, Aix-Marseille University (**France**)

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