European Center for
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European Commission
Executive Vice-President
Cabinet

Dear Madam,

We call on the European Commission to include artificial intelligence (AI) impact assessments as a key instrument for designing and developing AI within the voluntary AI Code of Conduct.

AI impact assessment is increasingly becoming an instrument of choice for diverse policy, regulatory and standard setting efforts in the responsible AI arena (please see list below). Moreover, UNESCO has already called on including those in their latest Policy Paper on AI Foundation Models. AI impact assessment is complementary to other instruments, such as AI audits conducted post-deployment and use. However, impact assessment is considered a crucial precautionary step in the design and development phase that should be conducted based on the internationally recognized human rights framework.

AI impact assessment is already included as a standard within several standard setting documents:

- U.S. National Institute of Standards and Technology (NIST) AI Risk Management Framework (2023) - includes a process for conducting impact assessments as a part of the overall risk management.

- International Organization for Standardization ISO proposed ISO/IEC 42001 and 42005 (ongoing) - ISO/IEC AWI 42005 is a draft standard on AI Impact Assessment aims to provide guidance and requirements for assessing the impact of AI systems on society, including their ethical, legal, and social implications.

- Institute of Electrical and Electronics Engineers (IEEE) 7010-2020 (2020) Recommended Practice for Assessing the Impact of Autonomous and Intelligent Systems on Human Well-being provides guidance on assessing the impact of autonomous and intelligent systems on human well-being, aiming to support responsible and ethical design, deployment, and use of these systems, including assessing the potential impacts of the AI on identified stakeholders.

AI impact assessment is already proposed as a requirement by several regulatory efforts:

- EU AI Act – EU Parliament proposal (2023) includes mandatory fundamental rights impact assessment for AI systems identified as high risk;

- Brazilian draft Artificial Intelligence Bill (2022) includes specific human rights impact assessment duty for AI systems identified as high risk;

- Council of Europe Possible elements of a legal framework on AI include two step human rights, democracy and rule of law impact assessment mandated for all AI systems;

- US Blueprint for an AI Bill of Rights includes general principles with focus on protecting rights and democratic values, based on impact assessment;

- Canadian Algorithmic impact assessment tool (2022) includes self-assessment check list for impact by AI developers;

- Costa Rican AI Law proposal (2023) includes mandatory human rights impact assessment for AI, along with an independent institution tasked with oversight;

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- UK's Information Commissioner Guidance on AI auditing, supported by impact assessments (2022) includes assessing the risks to the rights and freedoms of individuals that may arise when you use AI;

- Netherlands is mandating AI impact assessment for public institutions using AI (2023).

AI impact assessment is already in use in major tech companies:

- Microsoft Responsible AI Impact Assessment Guide (2022)

- Google integrating the human rights assessment in the process of product development (2019)

- Meta Human Rights Impact Assessment (2022) and Open Loop (2021)

- Cisco includes AI impact assessments in Responsible AI Framework (2022)

- Amazon uses human rights impact assessment as part of the HRDD framework (2020)

To be meaningful and effective, AI impact assessments need to fulfill the basic governance and process criteria:

A. **Normative framework** defines the scope and content of the assessment, type of impact(s) that is being assessed, benchmarks used for different impacts and any enforcement or rewards mechanisms that ensure the assessment will actually take place at a needed time.
B. **Process rules** define stages and trigger points for implementing the assessment and its iterations, key procedures and different roles of those involved as well as the assessment team requirements and responsibilities.
C. **Methodology** for the assessment defines indicators used, scales for assessment, guidance for balancing competing interests and providing for proportionality assessment (trade-offs).
D. **Engagement** of different individuals and groups defines identification of impacted stakeholders, methods and processes for their participation and input.
E. **Oversight** of the assessment process defines its documentation, publication requirements, monitoring and feedback mechanisms.

Finally, we urge the institutions and policy makers to provide a clear regulatory framework and guidance criteria for conducting meaningful and effective AI impact assessment beyond voluntary codes of conduct.

Sincerely,

Vanja Skoric,
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Resources list:

- Recommendations for Assessing AI Impacts to Human Rights, Democracy, and the Rule of Law, ECNL and Data&Society (2021), https://ecnl.org/publications/recommendations-incorporating-human-rights-ai-impact-assessments

- Critical Criteria for AI Impact Assessment: An Aggregated View, Civic AI Lab, University of Amsterdam (2023), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4467502

- NIST AI 100-1 (2023), https://nvlpubs.nist.gov/nistpubs/ai/NIST.AI.100-1.pdf

- ISO/IEC DIS 42001 Information technology — Artificial intelligence — Management system (2023), https://www.iso.org/standard/81230.html

- IEEE 7010-2020, https://standards.ieee.org/ieee/7010/7718/

- EU Parliament adopted position on Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on Artificial Intelligence (Artificial Intelligence Act)
- Ad hoc Committee on Artificial Intelligence (CAHAI), Possible elements of a legal framework on artificial intelligence, based on the Council of Europe's standards on human rights, democracy and the rule of law, 2022, https://rm.coe.int/possibleelements-of-a-legal-framework-on-artificial-intelligence/1680a5ae6b
- U.S. Blueprint for an AI Bill of Rights, https://www.whitehouse.gov/ostp/ai-billof-rights/

- Brazil draft AI Law, https://legis.senado.leg.br/sdleggetter/documento/download/777129a2-e659-4053-bf2e-e4b53edc3a04

- Algorithmic Impact Assessments Tool, https://www.canada.ca/en/government/system/digital-government/digital-government-innovations/responsible-use-ai/algorithmic-impact-assessment.html

- Costa Rica AI Law proposal (2023), https://www.crhoy.com/wp-content/uploads/2023/05/20-05-30-proyecto-IA.pdf

- UK Information Commissioner Guidance on AI auditing, supported by impact assessments (2022), https://ico.org.uk/media/2617219/guidance-on-the-ai-auditing-framework-draft-for-consultation.pdf

- Netherlands, Impact Assessment Mensenrechten en Algoritmes (IAMA), https://www.government.nl/documents/publications/2023/03/02/ai-impact-assessment

- Alessandro Mantelero, Samantha Esposito (2021), An Evidence-Based Methodology for Human Rights Impact Assessment (HRIA) in the Development of AI Data- Intensive Systems, https://papers.ssrn.com/sol3/papers.cfm?abstract id=3829759

- Microsoft Responsible AI Impact Assessment Guide (2022), https://blogs.microsoft.com/wp-content/uploads/prod/sites/5/2022/06/Microsoft-RAI-Impact-Assessment-Guide.pdf

- Google https://blog.google/outreach-initiatives/public-policy/respecting-rights-global-network-initiative-assessment-report/

- Cisco Responsible AI Framework https://www.cisco.com/c/dam/en_us/about/doing_business/trust-center/docs/cisco-responsible-artificial-intelligence-framework.pdf?CCID=cc000742&DTID=odicdc000016

- Meta Human Rights Impact Assessment (2022), https://about.fb.com/wp-content/uploads/2022/04/E2EE-HRIA-Meta-Response.pdf ; Open Loop (2021) https://openloop.org/wp-content/uploads/2021/01/AI_Impact_Assessment_A_Policy_Prototyping_Experiment.pdf

- Amazon HRDD framework https://sustainability.aboutamazon.com/society/human-rights/due-diligence