

# Artificial Intelligence Policy and the European Union

## A Look Across the Atlantic

### Key Takeaways

- 1** The EU is taking a more precautionary and hard law approach to AI in comparison to the United States, as demonstrated by the European Commission's work on the proposed AI Act.
- 2** Contextualizing the EU and U.S. approaches to AI requires consideration of other major differences between their legal and governance structures, such as their tort systems and regulatory capacities.
- 3** The EU's AI Act may become a global standard and driver for other countries' policies, but the degree to which this could happen is uncertain.
- 4** "AI" is not easily defined, nor is it a stagnant term. Policies should be mindful of AI's innovative potential and be prepared to evolve in the future.
- 5** Stakeholders generally agree on a risk-based approach to AI policy but disagree on how to categorize the risks of AI systems and implement this in practice.
- 6** The AI Act follows a hard law approach with enforcement measures for AI in higher-risk areas, while maintaining a soft law approach for lower-risk areas.
- 7** A major debate exists around whether to take a precautionary or permissive approach to regulating AI, with the EU leaning towards the "precautionary principle" and the U.S. leaning towards "permissionless innovation." However, neither is entirely in one camp or the other.
- 8** The EU takes a general approach to regulating AI, applying to the development, production, and use of AI systems across sectors, but a debate exists around how much the EU's categorization of high-risk AI systems follows a more sector-specific approach.
- 9** Tackling harmful AI bias is critical, and a holistic and multipronged strategy to address this problem is necessary.
- 10** The AI Act builds upon a broader context of existing EU regulatory measures, such as GDPR and DSA, as issues of AI are heavily interconnected with data and other areas of technology policy.