

**Response to the "Draft ethics guidelines for trustworthy artificial intelligence"
prepared by CLAIRE IAG ELS**

As the CLAIRE Informal Advisory Group on Ethical, Legal and Societal Issues (CLAIRE IAG ELS), we applaud the discussion of ethics guidelines for trustworthy AI building on European institutions, such as the EU Charter of Fundamental Rights. As an aim of the document is to stimulate a thriving European AI ecosystem with a recognizable European flavor, it seems wise to invest in innovative AI techniques with already strong basis in Europe. In particular, we would like to emphasise the following technical methods that can support an ethical, legal and social AI, concretely:

- Computational critical thinking and argumentation
- Combined logical and learning AI methods (with on the one hand knowledge representation and SAT solvers, and on the other Bayesian networks and deep learning)
- Rule-based and case-based reasoning models
- Cognitive and neuromorphic system designs building on research in cognitive and social science (theory of mind, heuristic reasoning, cognitive materials)

These and related technical methods are for instance investigated at technical conference series such as COMMA (on argumentation systems, since 2006), DEON (on normative systems, since 1991), JURIX (on legal AI, since 1988), ECAI (on AI, since 1974), all of them founded in Europe.

We would also like to invite the EU HLEG AI to provide more clarity on the relationship between the Ethics Guidelines and existing laws and regulations. The assumption (on p.3, top) that compliance with the Guidelines can only complement legal and regulatory compliance seems too simple, as the relationship between ethics and law can work in both ways (i.e. ethics not only complement existing laws and guide their interpretation, but may also challenge existing laws and inform new rules – cf. the notions of soft versus hard ethics used by Floridi in *Phil. Trans. R.Soc. A 376: 20180081*; <http://dx.doi.org/10.1098/rsta.2018.0081>). It is also recommended that the Ethics Guidelines at least explicitly acknowledge that trade-offs between conflicting rights, principles and values will have to be made, and, in a more ambitious scenario, provide further hints on how to deal with such cases of competing interests (eg. what are the criteria to strike a fair balance? How to organize this balancing exercise within the company?).

On behalf of the

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Disclosure: some members of the CLAIRE IAG ELS are also members of the EU HLEG AI.