bitkom

Statement

Bitkom Position on the European Commission's Standardisation Request in support of safe and trustworthy artificial intelligence
December 2022

Bitkom, Germany's leading association of the ICT industry, welcomes the European Commission's initiative to issue a Standardisation Request (SR) in support of safe and trustworthy artificial intelligence (AI) early in the process and in parallel to the finalisation of the AI Act in the European Parliament and the Council. This will help to ensure that the required standardisation activities will get started early and we hope it will eventually help to support the timely availability of harmonised European standards that are ready for citation and thus available in time for presumption of conformity.

However, Bitkom is highly concerned about the fact that one of the three European Standardisation Organisations recognised in Regulation 1025/2012, ETSI, the European Telecommunications Standardisation Institute, is excluded from this Standardisation Request. Bitkom believes that this will have very negative consequences for a major part of European industry and their move towards adopting AI technologies. **Therefore, Bitkom urges the European Commission and the Member States as assembled in the Committee on Standards to reconsider this intention and issue the final Standardisation Request in support of safe and trustworthy artificial intelligence to all three European Standardisation Organisations.** Following that, as laid down in Regulation 1025/2012, Article 10.3, "The relevant European standardisation organisation shall indicate, within one month following its receipt, if it accepts the request..."

Arguments for consideration and in support of Bitkom's request above:

Excluding ETSI excludes the entire sectors of telecommunications and communication networks:

Artificial intelligence is a key future technology. Innovators are complementing their ICT portfolios with AI thus modernising technologies and making Europe future ready. We are getting communication networks that are optimised by AI for addressing the challenges of digitalisation. AI will help to balance network traffic, make networks more efficient. It is already a key differentiator in 5G and will become even more so in 6G. The European telecommunications and communication networks industry play a key role in the European economy, for the harmonised European market, and for Europe's economic success on a global scale. ETSI is the place set up in Europe, and

Angelina Marko
Head of Industrie 4.0 & Technical Regulation

T +49 30 27576-133
a.marko@bitkom.org

Albrechtstraße 10
10117 Berlin

recognised under EU law, for the telecommunications and communication networks industry to do standardisation. ETSI gathers the relevant experts and holds the expertise for these sectors. Excluding these sectors does not seem to be appropriate. Driving these sectors to work in other organisations means high additional cost and administrative burden with foreseeable negative effects for the entire sectors, and in particular for SMEs.

Amendment of Regulation 1025/2012, Article 10, is about to be in place and implemented:

Bitkom understands the concerns the European Commission addressed with the amendment to Regulation 1025/2012, Article 10, putting full responsibility for the work done under Standardisation Requests with the National Standardisation Bodies. Bitkom wishes to stress that a final agreement for this amendment was reached; it was adopted by the European Parliament already and awaits adoption by the Council shortly. With the completion of this legal process, it is Bitkom's understanding that the concerns raised by the European Commission will have been taken care of and the processes and procedures have been clarified ensuring European control over the work done under Standardisation Requests.

Regarding ETSI, the required process changes to follow and comply with the amendment of Regulation 1025/2012 have been developed and presented to the last ETSI General Assembly end of November. ETSI has also intensively been working with the National Standardisation Bodies in charge on these process changes. As outlined at the ETSI General Assembly, and in agreement with CEN and CENLEC, the changes will be implemented as soon as the amendment has finally been adopted. For ETSI this means that the General Assembly end of March will be asked to approve the required process changes.

Against this background Bitkom assumes that there is no reason for concerns about the processes any more. If required, the SR could be given to ETSI under the condition that the required process changes are implemented within the time frame laid down in the legal proposal. But there should not be any reason for entirely excluding ETSI.

Regulation 1025/2012 requires standards to be market-driven and developed in consensus

Regulation 1025/2012, Article 10.1, outlines that "European standards and European standardisation deliverables shall be market-driven, take into account the public interest as well as the policy objectives clearly stated in the Commission's request and based on consensus." Bitkom strongly believes that the requirement for European standards to be market-driven cannot be met if the organisation that holds the expertise on an entire sector is excluded from the work. For meeting the market-needs of the telecommunications and communication technologies sectors, the SR ought to be given to ETSI, as well.

Bitkom also understands that the European Commission expressed concerns about voting rights in ETSI. We would like to note that (i) ETSI is working on reforming the voting rights and the good progress has been recognised by the European Commission in recent communications to ETSI; (ii) typically decisions on standards are not taken by voting but in consensus in ETSI; and (iii) consensus is the principle required by Regulation 1025/2012, therefore Bitkom sees not issue regarding voting rights and the processes applied in ETSI – which, by the way, have successfully and without issues been applied over decades in support of European regulation.

Bitkom hopes that these key arguments are helpful in underpinning our urge for reconsidering the organisations to whom the SR is addressed. We strongly believe that in the interest of European industry and for accelerating the adoption of AI technologies, but also for fulfilling the spirit of Regulation 1025/2012, it is pivotal to include ETSI into the SR.

Bitkom thanks the European Commission and the Member States for considering this position paper. We hope for a positive outcome and remain available for follow-on exchange, discussion or clarifications.