



**2020/2017(INI)**

6.7.2020

# **OPINION**

of the Committee on the Internal Market and Consumer Protection

for the Committee on Culture and Education

on artificial intelligence in education, culture and the audiovisual sector  
(2020/2017(INI))

Rapporteur for opinion: Kim Van Sparrentak

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## SUGGESTIONS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Culture and Education, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas artificial intelligence (AI) has the potential to offer solutions for day-to-day challenges of the education sector such as the personalisation of learning, monitoring learning difficulties, automation of subject-specific content/knowledge, providing better professional training, and supporting the transition to a digital society;
- B. whereas AI could have practical applications in terms of reducing the administrative work of educators and educational institutions, freeing up time for their core teaching and learning activities;
- C. whereas the application of AI in education raises concerns around the ethical use of data, learners' rights, data access and protection of personal data, and therefore entails risks to fundamental rights such as the creation of stereotyped models of learners' profiles and behaviour that could lead to discrimination or risks of doing harm by the scaling-up of bad pedagogical practices;
- D. whereas AI applications are omnipresent in the audiovisual sector, in particular on audiovisual content platforms;
  1. Notes that the Commission has proposed to support public procurement in intelligent digital services, in order to encourage public authorities to rapidly deploy products and services that rely on AI in areas of public interest and the public sector; highlights the importance of public investment in these services and the complementary added value provided by public-private partnerships in order to secure this objective and deploy the full potential of AI in the education, culture and audiovisual sectors; emphasises that in the education sector, the development and deployment of AI should involve all those participating in the educational process and wider society and take into account their needs and the expected benefits, especially for the most vulnerable and disadvantaged, in order to ensure that AI is used purposefully and ethically and delivers real improvements for those concerned; considers that products and services developed with public funding should be published under open-source licences with full respect for the applicable legislation, including Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market; stresses the importance of this deployment for reskilling and upskilling the European labour market, and particularly in the culture and audiovisual sectors, which will be severely impacted by the COVID-19 crisis;
  2. Recognises that children are an especially vulnerable group in terms of influencing their behaviour; stresses that while AI can be a tool that can benefit their education, it is necessary to take into account the technological, regulatory and social aspects of the introduction of AI in education, with adequate safeguards and a human-centric approach that ensures that human beings are, ultimately, always able to control and correct the system's decisions; points to the need for a review and updating of the relevant sectoral rules; underlines in this regard that the legal framework governing AI in the education

sector should, in particular, provide for legally binding measures and standards to prevent practices that would undermine fundamental rights and freedoms, and ensure the development of trustworthy, ethical and technically robust AI applications, including integrated digital tools, services and products such as robotics and machine learning;

3. Notes the potential of AI-based products in education, especially in making high-quality education available to all pupils in the EU; stresses the need for governments and educational institutions to rethink and rework educational programmes with a stronger emphasis on STEAM subjects, in order to prepare learners and consumers for the increasing presence of AI and to facilitate the acquisition of cognitive skills; underlines the need to improve the digital skills of those participating in the educational process and wider society, while having regard to the objectives of ‘A Europe fit for the digital age’;
4. Underlines that algorithmic systems can be an enabler for reducing the digital divide in an accelerated way, but unequal deployment risks creating new divides or accelerating the deepening of the existing ones; expresses its concern that knowledge and infrastructure are not developed in a consistent way across the EU, which limits the accessibility of products and services that rely on AI, in particular in sparsely populated and socio-economically vulnerable areas; calls on the Commission to ensure cohesion in the sharing of the benefits of AI and related technologies;
5. Calls on the Commission to consider education as a sector where significant risks can be expected to occur from certain uses of AI applications, which may potentially undermine fundamental rights and result in high costs in both human and social terms, and to take this consideration into account when assessing what types or uses of AI applications would be covered by a regulatory framework for high-risk AI applications, given the importance of ensuring that education continues to contribute to the public good and given the high sensitivity of data on pupils, students and other learners; calls on the Commission to include certain AI applications in the education sector, such as those that are subject to certification schemes or include sensitive personal data, in the regulatory framework for high-risk AI applications; underlines that data sets used to train AI and the outputs should be reviewed in order to avoid all forms of stereotypes, discrimination and biases, and where appropriate, make use of AI to identify and correct human biases where they might exist; points out, accordingly, that appropriate conformity assessments are needed in order to verify and ensure that all the provisions concerning high-risk applications are complied with, including testing, inspection and certification requirements; stresses the importance of securing the integrity and the quality of the data;
6. Welcomes the efforts of the Commission to include digital skills as part of the qualification requirements for certain professions harmonised at EU level under the Professional Qualifications Directive; highlights the need to ensure mutual recognition of professional qualifications in AI skills across the EU, as several Member States are upgrading their educational offer with AI-related skills and putting in place specific curricula for AI developers; stresses the need for these to be in line with the assessment list of the Ethical Guidelines for Trustworthy AI, and welcomes the Commission’s proposal to transform this list into an indicative curriculum for AI developers;

underlines the importance of training highly skilled professionals in this area, including ethical aspects in their curricula, and supporting underrepresented groups in the field, as well as creating incentives for those professionals to seek work within the EU;

7. Takes note that schools and other public education providers are increasingly using educational technology services, including AI applications; expresses its concern that these technologies are currently provided by just a few technology companies; stresses that this may lead to unequal access to data and limit competition by market dominance and restricting consumer choice; encourages public authorities to take an innovative approach towards public procurement, so as to broaden the range of offers that are made to public education providers across Europe; stresses in this regard the importance of supporting the uptake of AI by SMEs in the education, culture and audiovisual sector through the appropriate incentives that create a level playing field; calls, in this context, for investment in European IT companies in order to develop the necessary technologies within the EU; considers that technologies used by public education providers or purchased with public money should be based on open-source technology where possible, while having full respect for the applicable legislation, including Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market;
8. Calls for the data used by AI applications in the education sector to be accessible, interoperable and of high quality, and to be shared with the relevant public authorities in a standardised way and with respect for copyright and trade secrets legislation, so that the data can be used, in accordance with the European data protection and privacy rules and ethical, democratic and transparency standards, in the development of curricula and pedagogical practices (in particular when these services are purchased with public money or offered to public education providers for free, considering that education is a common good); calls on the Commission to ensure fair access to data for all companies, and in particular SMEs and cultural and creative companies, which play an essential role in sustaining social cohesion and cultural diversity in Europe, as well as democratic values;
9. Stresses the importance of developing guidelines for the public procurement of such services and applications for the public sector, including for education providers, in order to ensure the relevant educational objectives, consumer choice, a level and fair playing field for AI solution providers and respect for fundamental rights; stresses the need for public buyers to take into account specific criteria linked to the relevant educational objectives, such as non-discrimination, fundamental rights, diversity, the highest standards of privacy and data protection, accessibility for learners with special needs, environmental sustainability and, specifically when purchasing services for public education providers, the involvement of all those participating in the educational process; stresses the need to strengthen the market by providing SMEs with the opportunity to participate in the procurement of AI applications in order to ensure the involvement of technology companies of all sizes in the sector and thus guarantee resilience and competition;
10. Underlines the unreliability of the current automated means of removing illegal content from online platforms on which audiovisual content is shared, which may lead to inadvertent removal of legitimate content; notes that neither the E-Commerce Directive

nor the revised Audiovisual Media Services Directive on video sharing platforms imposes a general monitoring obligation; recalls, to that end, that there should be no general monitoring, as stipulated in Article 15 of the E-Commerce Directive, and that specific content monitoring for audiovisual services should be in accordance with the exceptions laid down in the European legislation; recalls the key requirements for AI applications, such as accountability, including review structures within business processes, and reporting of negative impacts; emphasises that transparency should also include traceability and explainability of the relevant systems; recalls that AI applications must adhere to internal and external safety protocols, which should be technically accurate and robust in nature; considers that this should extend to operation in normal, unknown and unpredictable situations alike;

11. Calls for recommendation algorithms and personalised marketing on audiovisual platforms, including video streaming platforms, news platforms and platforms disseminating cultural and creative content, to be explainable, to the extent technically possible, in order to give consumers an accurate and comprehensive insight into these processes and content and ensure that personalised services are not discriminatory and are in line with the recently adopted Platform to Business Regulation and New Deal for Consumers Omnibus Directive; stresses the need to guarantee and properly implement the right of users to opt out from recommended and personalised services; points out in this regard that a description should be provided to users that allows for a general and adequate understanding of the functions concerned, notably on the data used, the purpose of the algorithm, and personalisation and its outcomes, following the principles of explainability and fairness; calls for the development of mechanisms providing monitoring of the consumer's rights of informed consent and freedom of choice when submitting data;
12. Notes that the deployment of AI in customs screening procedures may support efforts to prevent the illicit trafficking of cultural heritage, in particular to supplement systems which allow customs authorities to target their efforts and resources on those items presenting the highest risk;
13. Underlines that consumers must be informed when they are interacting with an automated decision process and that their choices and performance must not be limited; stresses that the use of AI mechanisms for commercial surveillance of consumers must be countered, even if it concerns 'free services', by ensuring that it is strictly in line with fundamental rights and the GDPR; stresses that all regulatory changes must take in consideration the impact on vulnerable consumers;
14. Points out that the deployment, development and implementation of AI must make it easier for consumers and learners with some form of disability to use tools to access audiovisual content;
15. Underlines the need for upskilling of the future workforce; recognises the benefits of forecasting which jobs will be disrupted by digital technology such as automation, digitalisation and AI;
16. Points out that the AI systems that are developed, implemented and used in the European Union, in any of the three sectors referred to in this report, must reflect the

EU's cultural diversity and multilingualism.

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	29.6.2020
<b>Result of final vote</b>	+: 34 -: 3 0: 3
<b>Members present for the final vote</b>	Andrus Ansip, Pablo Arias Echeverría, Alessandra Basso, Brando Benifei, Adam Bielan, Biljana Borzan, Dita Charanzová, Deirdre Clune, David Cormand, Petra De Sutter, Carlo Fidanza, Alexandra Geese, Sandro Gozi, Maria Grapini, Svenja Hahn, Eugen Jurzyca, Arba Kokalari, Marcel Kolaja, Andrey Kovatchev, Maria-Manuel Leitão-Marques, Morten Løkkegaard, Adriana Maldonado López, Antonius Manders, Beata Mazurek, Leszek Miller, Dan-Ștefan Motreanu, Anne-Sophie Pelletier, Christel Schaldemose, Andreas Schwab, Ivan Štefanec, Kim Van Sparrentak, Marion Walsmann
<b>Substitutes present for the final vote</b>	Marc Angel, Pascal Arimont, Marco Campomenosi, Maria da Graça Carvalho, Salvatore De Meo, Karen Melchior, Tsvetelina Penkova, Antonio Maria Rinaldi



## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

34	+
EPP	Pascal Arimont, Deirdre Clune, Arba Kokalari, Antonius Manders, Dan-Ștefan Motreanu, Marion Walsmann
S&D	Marc Angel, Brando Benifei, Biljana Borzan, Maria Grapini, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Leszek Miller, Tsvetelina Penkova, Christel Schaldemose
RENEW	Andrus Ansip, Dita Charanzová, Sandro Gozi, Svenja Hahn, Morten Løkkegaard, Karen Melchior
ID	Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi
GREENS/EFA	David Cormand, Petra De Sutter, Alexandra Geese, Marcel Kolaja, Kim Van Sparrentak
ECR	Adam Bielan, Carlo Fidanza, Eugen Jurzyca, Beata Mazurek
EUL/NGL	Anne-Sophie Pelletier
3	-
EPP	Pablo Arias Echeverría, Salvatore De Meo, Andreas Schwab
3	0
EPP	Maria da Graça Carvalho, Andrey Kovatchev, Ivan Štefanec

**Key to symbols:**

- + : in favour
- : against
- 0 : abstention