The view from the UK

EU AI REGULATION HANDBOOK

The UK is, of course, no longer an EU Member State. Its own, delayed, National AI Strategy will be published later this year and will include a focus on Ethical, Safe, and Trustworthy Development of Responsible AI. Only last month the influential Centre for Data, Ethics and Innovation (CDEI), which has been tasked by the UK government to develop recommendations for AI governance, outlined the need for effective AI assurance. It describes this as *"governance mechanisms for third parties to develop trust in the compliance and risk of a system or organisation … tools and services … to provide trustworthy information about how a product is performing on issues such as fairness, safety or reliability, and, where appropriate, ensuring compliance with relevant standards"* and is working on developing an AI assurance roadmap with stakeholders. As to any domestic regulator, CDEI favours a sectoral approach if and when AI regulation is required. Other key initiatives include the AI Council's AI Roadmap and work with the Ada Lovelace institute on a legal framework for data governance; last year's guidance from the Information Commissioners Office on auditing frameworks for AI; and numerous sector specific publications.

That is not to say that the AI Regulation will not be relevant to UK businesses. Many operate across multiple jurisdictions, and the Regulation of course has extra-territorial reach, touching organisations based outside the EU as well as inside the EU, namely providers of AI Systems (irrespective of whether they are within the EU or not), any users of an AI System located in the EU, and providers or users of AI Systems located outside the EU but where the output produced by the system is used within the EU (see Section 3 in our EU AI Regulation Handbook for further detail). UK businesses who operate and deploy AI Systems in this way must therefore also carefully consider and ensure compliance with the Regulation, once finalised.

For the UK, this is perhaps the first major test (post-Brexit) of how to respond to technology regulation introduced by its biggest trading partner. Will the UK seek to align in clear areas of common ground and smooth the compliance burden on businesses on both sides of the UK/EU border or do businesses face the prospect of misaligned regulatory regimes for years to come?

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