



MINUTES

Meeting of the European Group on Ethics in Science and New Technologies (EGE) 5th Plenary Meeting

Brussels, 13-14 December 2017

Present: Prof. Emmanuel Agius, Prof. Anne Cambon-Thomsen, Prof. Ana Sofia Carvalho, Prof. Eugenijus Gefenas, Prof. Julian Kinderlerer, Prof. Andreas Kurtz, Prof. Herman Nys, Dr. Siobhán O'Sullivan, Prof. Laura Palazzani (by teleconference), Prof. Barbara Prainsack, Prof. Nils-Eric Sahlin, Prof. Marcel Jeroen Van den Hoven, Prof. Christiane Woopen

Excused: Prof. Jonathan Montgomery, Prof. Carlos Maria Romeo Casabona

Commission: Andres Alvarez Fernandez, Jim Dratwa, Barbara Giovanelli, Johannes Klumpers, Joanna Parkin, Iphigenia Pottaki*, Juha Heikkila*, Cecile Huet*, Ruth Paserman* (*present only during the hearings)

Others (present only during the hearings): Giovanni Buttarelli, James Peter Burgess, Claire Gayrel, Johannes Giesecke, Delphine Harou, Aurélie Pols

Nature of meeting: Non-public

Wednesday, 13 December 2017

09H30 - 10H00: Introduction and updates by the Chair and the EGE Secretariat

Christiane Woopen and Jim Dratwa opened the meeting and the group approved the agenda and the minutes of the previous meeting. Jim Dratwa welcomed the members and reported that there is a steadily rising interest within the European Commission in the EGE's current work on the Statement on AI and the Opinion on the Future of Work. Cooperation between the EGE Secretariat and other Commission services has increased around the upcoming Commission Communication on Robotics and AI and we have endeavoured to get EGE's work centrally featured in the section on ethical and societal implications. Regarding the General Activity Report of the previous EGE, he explained why its publication had been postponed and why it should now soon be published.

Christiane Woopen reported on a series of invitations, among which a request for exchange on AI and autonomous systems from MEP Miroslav Mikolášik (EPP) and an invitation for the whole Group to the NEC Forum in September 2018 in Vienna. The Group agreed to try and revive the traditional exchange with the NEC Forum and to hold the September Plenary Meeting at the NEC Forum in Vienna.

Christiane Woopen also debriefed the Group on her working lunch with Commissioner Moedas as Chair of the EGE on 30 November 2017 and on her meeting with the SAM HLG and SAPEA, at which it was agreed that the groups inform each other of their work programme developments and convene once per year.

In liaison with the SAM Head of Unit Johannes Klumpers, the Chair also updated the Group on the latest developments with regard to participation in ESOF (July 2018). At its core will be a joint EGE and SAM HLG workshop. The broad title "In which society do we want our children to live?" will



allow both the EGE and the SAM group to present their current work programme (artificial intelligence and robotics, future of work, gene editing, aging society, evidence robustness). A potential separate presentation of the EGE Opinion on the Future of Work is under discussion. Moreover, the EGE will hold its July Plenary Meeting at ESOF, present its work in one of the media sessions, and (together with the SAM group and SAPEA) have a stand in the ESOF Agora.

This was followed by a short discussion of the US Federal Communications Commission repealing existing rules that ensure net neutrality. The Group spoke about a potential EGE reaction to this in the form of a brief document on net neutrality or as part of the Opinion.

The Group approved the minutes of the last Plenary Meeting and discussed its agenda for 2018. The Secretariat agreed to circulate an overview of the dates and places of all 2018 EGE meetings.

10H00 - 12H30: Discussion on the Opinion on the Future of Work

The rest of the morning session was devoted to the Opinion. Following a call for more debate about the Opinion's central messages by some members, the Group discussed its working mode and agreed on a balance of ongoing drafting and debating, emphasising the preliminary nature of drafts. While plenary meetings serve to debate general contents, changes on the text itself should be made by all through the working groups. It was recalled that each member can contribute to the work of the working groups by sharing new thoughts with them in the form of short abstracts.

Then the Group opened its working session on the draft chapters of the Opinion on the Future of Work. Considering that most contributions on the topic focus on the preservation of jobs, the members reaffirmed that the novelty of the EGE Opinion will consist in its human- and value-based approach and its focus on the meaning of work for the individual and for society, the latter analysed through the lens of social justice, (re)distribution and welfare-entitlement.

Laura Palazzani, section rapporteur of the chapter 'Ethics' introduced the latest draft of the chapter circulated in advance of the meeting. A discussion followed in which members raised several points, including a series of suggestions:

- Better balance between risks and opportunities (e.g. remove 'versus' in subtitles).
- Separate autonomy and privacy, as well as justice and solidarity.
- 'Responsibility' (and the precautionary principle) could be added.
- Critical analysis of 'work as a value' (e.g. does work have intrinsic value, or only its results?).
- Critical analysis of 'winners and losers' (proposed narrative: no group will vanquish, but they will be re-organised).

The session broke for lunch.

12H30 - 14H00: Lunch

14H00 - 15H30: Hearing with Prof. Johannes Giesecke (Humboldt University of Berlin)

The afternoon session began with the hearing of Professor Johannes Giesecke (Empirical Sociology, Humboldt University of Berlin). Giesecke delivered a presentation on "Non-standard Employment (NSE) and Social Inequality", providing the group with empirical evidence on the prevalence of NSE. He thereby applied a broad definition of NSE, including part-time work, work on fixed-term contracts, temporary (agency) work and solo-self-employment. He highlighted that more than 1/3 of employed EU-citizens work in NSE (2014), pointing to the need of recognising NSE as not atypical anymore.

Giesecke also delineated a series of potential causes (globalisation and increased international competition, technological developments, organisational change, sectorial shift from industry to the service sector, increase in female labour supply), pointed to demographic changes (aging society, migration), and presented which forms of NSE dominate in which societal groups. He also provided data on the variations of NSE prevalence across EU countries and further elaborated on 'flexi-time'



and ‘zero-hour’ contracts as two examples of NSE that illustrate the current shift of rights from employee to employer.

This was followed by an analysis of the socio-economic consequences of NSE (lower wages, higher risk of unemployment and poverty, unstable career development, intensification of labour market segmentation), showing that NSE appears to facilitate an increase of social inequality. Finally, Giesecke delineated potential policy reactions, emphasising the need for a better knowledge base (research and monitoring), for a clear legal regulation and for the adaptation of welfare and education systems. He proposed the creation of a (potentially state-run) ‘second labour market’ for particularly disadvantaged persons. He finally pointed to the need of governments becoming role model employers and called for a re-strengthening of the social dialogue between employers’ and workers’ representations.

The subsequent discussion touched upon various points, including the need for further differentiating several kinds of NSE, UBI and the risks associated with its implementation, ‘economic’ migration, the decrease of employers’ responsibilities, involuntary part-time work and unpaid work, questions of redistribution, and the role of trade unions.

15H30 - 17H00: Hearing with Juha Heikkila and Cécile Huet (DG CNECT, Robotics and Artificial Intelligence)

Juha Heikkila and Cécile Huet, Head of Unit and Deputy Head of Unit of DG CNECT A1 (Robotics & Artificial Intelligence), presented the latest EC initiatives on AI and robotics. In 2016, DG CNECT launched the preparation of a wide-ranging strategy for addressing the challenges posed by AI, autonomous systems and robotics. Cécile Huet presented the strategy’s components, the current EU legal framework, SPARC (a public-private partnership for robotics in Europe established by the Commission in 2012), a series of EC-funded research projects, and the CONNECT Advisory Forum, a STEM advisory group on new technologies. She presented ‘barriers to the deployment’ of AI technology in Europe, among which ethical, societal and legal ones, raising questions about new challenges to privacy, safety and liability.

Juha Heikkila highlighted the value of the EU playing an important role in the development of new technologies and ensuring it is in line with fundamental rights. He also pointed to the importance of counteracting the public fear of new technologies and ‘winning the trust of the general public’ with evidence-based prognoses and a strategic communication of benefits and opportunities.

In the subsequent discussion, the group noted that ethical and societal implications cannot be framed as ‘barriers’ to the deployment of new technologies and pointed to the notion of ethics in/by design. They called for a re-thinking of the relationship between society and technology, for a human and value-based approach and for the facilitation of research on ethical and social issues. Other points of discussion ranged from the notion of ‘human control’, the proposal of a legal category for robots and the danger of exempting humans of responsibility, through to questions of equal access to technologies and equal distribution of benefits, wrong approaches to ‘the education of the public’, and the link between AI and ageism.

17H30: End of the day



Thursday, 14 December 2017

09H00 - 11H00: Discussion on the Statement on AI, algorithms, autonomous systems and robotics

The Group devoted the morning session to the upcoming Statement on AI, algorithms, autonomous systems and robotics. The rapporteur was congratulated for the progress and the Group agreed to conclude work on the Statement and potentially adopt it during the February Plenary Meeting. The discussion of the draft included the following points:

- The Statement should be framed as a call for a collective process of reflection ‘within the European Union’, which can then become part of an international process (value relativism, ‘we cannot speak for others’).
- In this spirit, in addition to the EU Treaty and the EU Charter on Fundamental Rights, references should be made to other human rights instruments (e.g. UN Declaration, Council of Europe Declaration).
- The first parts of the Statement could be merged (proposed title: ‘the state of play and reflections upon’).
- A more concrete proposal for ‘meaningful human control’ could be developed.
- The definition of autonomy and human dignity should refer to human beings as ‘ontologically having the capacity of being self-aware and self-conscious’.
- The principle ‘sustainability’ should be moved to the end of the list.
- A reference to the precautionary principle could be added.

11H00 - 12H20: Hearing with Ruth Paserman (Deputy-Head of Cabinet of Commissioner Thyssen)

Ruth Paserman, Deputy-Head of Cabinet of Commissioner Thyssen (DG Employment, Social Affairs and Inclusion) framed her presentation by raising the question whether “the institutions are fit for purpose in view of the new world of work.” She explained that Europe seems to witness a hollowing-out of mixed skilled work, while low and high skilled work is growing; blue-collar work is expected to die out, but also white-collar work is being transformed (due to fast advances in AI development). Skills needs are changing and life-long learning and re-training become ever more important. Limited access to high-skilled professions might lead to a polarisation of wealth and questions of re-distribution and social justice must be newly addressed.

Other key points ranged from surveillance of employees through tracking technologies, the disassociation of work and time and the return to achievement-based remuneration, through to the shift of risks from employer to worker, and unstable and non-linear career development. Ruth Paserman also linked the new challenges that Europe’s historically strong welfare systems are facing to new forms of employment evading taxation and eroding the financial basis of public institutions. She presented the European Pillar of Social Rights as the Commission’s first reaction also to the challenges of the changing world of work.

After a discussion with the Group, Ruth Paserman announced the preparation of a proposal on work-life balance that will contain a strong statement against the gendered division of care work and propose three months of non-transferrable parental leave for both parents, as well as of a proposal for amendments to the Written Statement Directive with a new definition of ‘worker’ and a proposition of new workers’ rights, and a proposal for better access to social protection.

The discussion included issues such as UBI (incl. the state as the new provider of life-long learning), work-leisure balance, unpaid work, equality and equity, the advantages and disadvantages of flexi-time contracts, and the meaning of dignity for the elderly.



12H20 - 14H00: Group photo and working lunch with Carlos Moedas, Commissioner for Research, Science and Innovation

14H15 - 17H00 Joint meeting with the European Data Protection Supervisor (EDPS), Giovanni Buttarelli, and the EDPS Ethics Advisory Group (EAG)

In view of the new GDPR entering into force in May 2018, Peter Burgess from the EDPS Ethics Advisory Group presented the main conclusions of the EAG's Report on data protection and ethics ('Towards a digital ethics'). He explained that the EAG based its work on an analysis of how the relationship of ethics, culture and law evolved over the last decades, thereby identifying a series of shifts: from the individual to the digital subject, from an analogue to a digital representation of life, from governance by institutions to governance through digital technologies, from a risk society to a scoring society, from the autonomy of humans to the dependence on machines, from individual to distributive responsibility, and from criminal justice to pre-emptive justice.

Against this background, the EAG considered how European values apply to these shifts, emphasising the increased importance of dignity, freedom, autonomy, solidarity, equality, democracy, and trust, which as a set of seven principles will form the core of the Opinion. Peter Burgess also differentiated between data protection and privacy, the latter referring to a subject's inner identity, the relationship to the self, one's very intimate spirituality, which ensures that "there will always be something in the human nature left that cannot be datafied."

A key point in the following discussion was the relationship between ethics and the law. Members conceptualised ethics as an internalised framework of the good and the evil, and law as external rules with which one can disagree.

Jeroen van den Hoven presented the ongoing work of the EGE towards the Statement on the Ethics of Artificial Intelligence, drawing attention to the issues around meaningful human control and to the emergence of diverse normative initiatives in need of common ground, and Barbara Prainsack delineated the current work of the EGE on the Future of Work. She explained the EGE's broad understanding of 'technology' and spoke about the relation of technology to the human being and to society. She also pointed to the current trend towards a decoupling of income and social security as one of the main challenges posed by new developments in the world of work.

In the subsequent debate, the members discussed the definition of work as engagement with the world from which humans retrieve meaning. Burgess also pointed to the usefulness of the German distinctions between 'arbeiten', 'bearbeiten', 'erarbeiten', 'verarbeiten'.

European Data Protection Supervisor Giovanni Buttarelli joined the two Groups for the last part of their exchange. He reported on his speech on ethics and data protection in the White House and pointed to the two EDPS rounds of public consultation which will culminate in the 40th International Conference of Data Protection and Privacy Commissioners in October. He invited the EGE to attend and contribute to the conference, announcing that digitalisation and work, and more specifically, data protection and work will be among its core themes.

Christiane Woopen closed the session by thanking Giovanni Buttarelli and the EAG, calling for more exchange between the two Groups and inviting the EAG to the EGE's Round Table on the Future of Work.

17H00: End of the meeting



Action Points

- Finalisation of the Statement on Artificial Intelligence, Algorithms, Autonomous Systems and Robotics for potential adoption in February.
- Organisation of a meeting of the chapter rapporteurs of the Opinion on the Future of Work in January.
- Circulation of an overview listing the dates and places of all 2018 EGE meetings.