**The EU is vigilant on the use of artificial intelligence in the justice system**

# EU Commission: What is needed for trustworthy, human-centric artificial intelligence?

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First Member States are experimenting with artificial intelligence (AI) in their judicial systems. For instance, in Estonia, a system based on AI is about to be used in legal disputes of up to 7,000 euros in value and to make decisions. The EU-Commission is now suggesting that such procedures could in future be steered by way of clearly defined new European legislation.

The EU-Commission has presented its White Paper on Artificial Intelligence, which outlines the framework for trustworthy, human-centric AI in the public and private sectors. In addition to opportunities, the Commission highlights numerous possible risks to fundamental rights of concerned citizens. In cases that pose particularly high risks both because of their scope, for example in the judicial sector or law enforcement, and because of the intended way of use, artificial intelligence applications should be subject to a future European AI legal framework. According to the Commission, human supervision must always be guaranteed and AI systems must be transparent and traceable.

In the area of liability for AI and algorithms, the Commission sees a need for regulation beyond the existing framework of product liability and product safety Directives. The Commission is specifically considering, facilitating or reversing the burden of proof for damages caused by the use of high-risk AI applications as it is provided for in national liability laws. The Commission is also wondering whether and to what extent strict liability comparable to that for the operation of motor vehicles might be necessary in connection with the operation of high-risk AI applications in order to effectively compensate potential victims. Such strict liability could be combined with an insurance obligation.

The Commission's announcements come at a time when the lack of transparency of algorithms in legal proceedings is a growing concern for the judiciary. In February, for example, the District Court of The Hague prohibited the Dutch state from using an automated system to prosecute social security fraud. The system was intended to use government data on housing, employment and taxes to identify people who were likely to commit social security fraud. This, according to the Dutch court, is a violation of the right to respect private and family life under Article 8 European Convention on Human Rights.

Reconciling the tension between the protection of fundamental rights and technical innovation will be one of the major tasks for the Commission of von der Leyen.