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Deutsche Sozialversicherung
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The European Commission's public consultation on the proposal for an "Artificial Intelligence Act", COM (2021) 206 final

Opinion from the German Social Insurance dated 14.July
2021

The German Federal Pension Insurance (DRV Bund), the German Social Accident Insurance (DGUV), the National Association of Statutory Health Insurance Funds (GKV-Spitzenverband) and the national associations for statutory health and long-term care insurance as well as the Social Insurance for Agriculture, Forestry and Horticulture have all joined forces to form the "German Social Insurance - Working Group Europe" in view of their common European policy interests.

The association represents the interests of its members vis-à-vis the bodies of the EU as well as other European institutions and advises the relevant participants in the context of current legislative proposals and initiatives.

Health and long-term care insurance, pension insurance and accident insurance, being part of the statutory insurance system, provide effective protection against the consequences of major life risks.

Opinion

The German Social Insurance welcomes the draft Artificial Intelligence Act (AI Act). It has far-reaching implications for developing and using AI, not least in the public administration sector. German Social Insurance sees possible membership, contribution and benefit law implications and is aware of its responsibility in handling AI. Therefore, it welcomes clarification of issues such as the ethical and liability laws. What will also have to be clarified during further negotiations on the draft regulation and further on, as to what level of detail and depth of decision-making will European action be required.



It should be noted that the draft only uses a very broad definition of AI. It should also cover several algorithms that were developed and used in the past. A definition that focuses solely on the existence of "autonomous conduct" would be far too narrow. This is cutting-edge automation that has still not yet been attained by today's technical systems. On the other hand, the concepts mentioned in Annex I "AI techniques and concepts referred to in Article 3, Para. 1" under sections (b) and (c) may well go too far. Therefore, AI should only be referred to when algorithms developed using one or more of the techniques listed in Annex I are used to make decisions, predictions or recommendations that are genuinely human.

Against this background, it cannot be ruled out that individual programs / applications now being used by the social insurance institutions already meet the AI characteristics. Nevertheless, no use of AI is currently seen as "high risk" in the social security institutions' own applications.

However, this could change in the future if machine learning methods will be used to support both case and person-based decisions. The creation of transparency, traceability, non-discrimination and ultimate human responsibility when using machine-supported procedures will be required here. Control and monitoring mechanisms will be useful against this background.

Social security institutions can strengthen their trustworthiness by establishing their own voluntary codes of conduct or by joining the codes of conduct of representative associations when using AI applications that do not pose a high risk.

Reference should also be made to the opinion from German Social Insurance about public consultation on the EC's White Paper "Re: AI - A European approach to excellence and trust".¹

¹ <https://dsv-europa.de/lib/2020-06-11-DSV-Position-Weissbuch-Endfassung.pdf>