

# EUのAI規則案や米国におけるAIに関する法・倫理についての欧米における意見

## ■ 欧州各国における研究者、弁護士事務所、企業等の意見

- AI規則案を法制化すること自体への異論は見られなかった。意見の要旨は次のとおり。

論点	意見の概要
「AIシステム」の定義	「統計的アプローチ」に関して明確化が必要である、ソフトウェアのほとんどが含まれかねない、など
許容できないリスクのあるAI	禁止範囲が狭いとの意見と、事業者の負担になり得るとの意見の両論あり
ハイリスクAI	技術的要件の明確化が必要である、明確な基準が望まれる、など
中小企業への影響	AI規則案が負のインセンティブを与えかねないとの意見と、AI規則案を積極的に評価し規制のサンドボックスを歓迎するとの意見の両論あり

## ■ 米国における弁護士事務所の意見

論点	意見の概要
ソフトローとハードロー	<ul style="list-style-type: none"><li>• 米国は、AI統制にハードローとソフトローを両方用いる。一般的にはソフトローだが、最近ではハードロー（現行法の適用や新法の制定）の動きが見られる</li><li>• 政府はAIのリスクに焦点を合わせている。企業も同様にすべきである。米国において、AIは規制されないという考え方は間違いである。一般的な日本人が想像するよりも、ハードローが既に採用され又は今後採用されるであろう範囲は広い。</li></ul>
TTC (米EU貿易技術評議会)	<ul style="list-style-type: none"><li>• TTCは、米国とEUのAI規制の平仄を取る可能性がある。また、反民主主義的な技術使用をする国、安全保障の課題を生じさせる国の影響を弱める可能性がある。</li></ul>
AIに関する日米の協働	<ul style="list-style-type: none"><li>• 倫理的で安全で信頼できるAIのため、また技術標準の策定や規制遵守を求めるため、米国は日本と協働するであろう。</li></ul>

# 謝辞

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団体名	肩書	氏名
SAP	Director, EU Government Affairs	Mr. Corinna Schulze
	AI Regulatory Compliance Lead	Ms. Mary Carol Madigan
Bristows LLP	Partner	Mr. Chris Holder
	Senior Associate	Mr. Charlie Hawes
Derriennic Associés	Lawyer (Paris Bar – France), Partner	Mr. François-Pierre Lani
	Lawyer (Paris Bar – France), Of Counsel	Ms. Sophie Duperray
Taylor Wessing Partnerschaftsgesellschaft mbB	Partner	Mr. Detlef Klett
	Salary Partner	Ms. Mareike Christine Gehrman
	Salary Partner	Mr. Fritz-Ulli Pieper, LL.M
	Associate	Mr. Dr. Benedikt Kohn, CIPP/E
Portolano Cavallo Studio Legale	Partner	Ms. Irene Picciano
University of Hamburg (ただし、個人2名としての意見)	Professor of Law and Finance	Prof. Dr. Wolf-Georg Ringe
	PhD Student	Ms. Antonella Zarra
Arnold & Porter	Partner	Mr. Peter J. Schildkraut
	Associate	Mr. Darrel Pae
	Former Associate	Ms. Katerina Kostaridi

# Views in EU/the U.S. on EU's Draft AI Act and law and ethics in the U.S.

## ■ Views of scholars, law firms, companies, etc. in European jurisdictions

- There was no objection against the AI Act itself. Summary of views are as follows:

Issues	Summary of views
Definition of "AI System"	Clarification is needed in relation to statistical approach; The definition could inadvertently cover most software; and the like
Unaccepted AI	The scope is narrow vs This could result in burden for the undertakings
High-risk AI System	Technical requirements need to be clarified; Clear taxonomy is appropriate; and the like
Influence on SMEs	The AI Act may disincentivize SMEs vs We view the Draft AI Act in a positive light and welcome AI regulatory sandboxes to promote innovation

## ■ Views of a law firm in the U.S.

Issues	Summary of views
Soft law and hard law	<ul style="list-style-type: none"><li>• The U.S. will employ a mix of hard and soft law to govern AI. Generally, the U.S. will rely upon soft law as much as possible, but recently there have been movements to apply or codify hard law.</li><li>• Governments are focusing on AI risks. Companies should too. The view that AI will not be regulated in the U.S. is wrong. The scope where AI is or will be regulated by hard law in the U.S. is clearly broader than ordinary Japanese people's expectation.</li></ul>
TTC (US-EU Trade and Technology Council)	<ul style="list-style-type: none"><li>• The TTC may align U.S. and EU AI regulations and reduce the influence of countries that use technology in antidemocratic ways or that pose national security challenges.</li></ul>
Collaborations on AI between Japan and the U.S.	<ul style="list-style-type: none"><li>• The U.S. is likely to work with Japan for ethical, safe, and trustworthy AI, and to develop AI technology standards and for regulatory compliance.</li></ul>

# Acknowledgement

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Name of Affiliation	Titles of Interviewees	Names of Interviewees
SAP	Director, EU Government Affairs	Mr. Corinna Schulze
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University of Hamburg (Note: the interviewees answered in a personal capacity)	Professor of Law and Finance	Prof. Dr. Wolf-Georg Ringe
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