

Scope for AI regulation ?

Would a technology-based approach cover all needs?

In particular in the domain of public administration, some automated decision-making tools may have a substantial impact on citizens and do not necessarily rely on Annex I techniques

-> e.g. *Parcoursup* allocation of places in universities for students in France (although in Annex III if AI system)



Public participation?

Many high-risk AI systems are operated by public bodies (Annex III majority of systems used by administrations)

-> Added-value of public debate to avoid misunderstandings

-> Added-value of public debate for democracy and empowerment of citizens



Internal-market approach and public administrations?

Would public body be provider or user ?

**-> need- for the conformity assessment -
to take into account the context in which
the AI system is used (not just the tool)**



Role of judges?

What will be the control of these technical obligations ?

Need more than “manifest error or appreciation” or “Wednesbury test”

-> Tackling complexity and technical knowledge gap

**“Judges may be clever, but not that clever.”
Mr Justice Cranston 22 September 2015 Foster [2015] EWHC 2648**

