



# LINARI LAW FIRM

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## AVOCATS A LA COUR

### **EU to give a legal framework to Artificial Intelligence (AI)**

On Wednesday December 6, 2023, European institutions – Parliament, Council and Commission- have the hard task to try reaching an agreement on a draft of a regulation on AI, that could be the first general regulation on AI worldwide.

This is the final phase of negotiations of a process launched in 2021, considering the proliferation of AI software's that arouses both fascination and concern.

Finding a legal framework to AI is a real challenge, as member states are not on the same wavelength.

Indeed, while some member states are calling for the adoption of real barriers, countries such as France Germany and Italy are trying to curb the regulation.

For France, Germany and Italy, it is important to limit the restriction and barriers to innovation, as AI is considered as a battle in which the United States already have a head start on notably with ChatGPT.

Mistral, in France and Aleph Alpha, in Germany, are companies developing their own AI program and against a regulation that could be too restrictive to allow them compete with ChatGPT.



After the three countries put some pressure on the European Council, (chaired by Spain), it seems to have toned down the initial text on the sensitive point of the constraints imposed on suppliers of 'foundational models', the learning models on which technologies such as ChatGPT are based.

Luxembourg, which says it is flexible on the project, agrees with the version of the text being discussed on December 6 and therefore also with the position of the European Council, in favor of a less restrictive text.

European Union counts on an adoption before the next European elections, which is likely to be very complicated : indeed, discussion were halted yesterday and should be resumed Friday December 7, 2023 after lawmakers failed to reach a deal during almost 24 hours of negotiations.

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