

(English version)

**Question for written answer E-002654/24
to the Commission
Andreas Schwab (PPE), Arba Kokalari (PPE)
(26 November 2024)**

Subject: AI liability directive

The Commission proposed an AI liability directive in 2022 with the aim of modernising existing liability rules to include new provisions covering harm caused by AI systems, in order to ensure uniform protection. In the meantime, the AI Act has been adopted, and it entered into force in August 2024. It regulates AI systems according to a risk-based approach, and the Product Liability Directive has been expanded to cover software, including AI. The new Commission has committed to following the overarching objective of legislative simplification and reduction of administrative burdens that hinders EU competitiveness.

1. Will the Commission re-evaluate the idea underpinning the AI liability directive with regard to the need to foster competitiveness and innovation?
2. What specific measures are planned to guarantee that this legislation will not disproportionately impact European small and medium-sized enterprises and start-ups?
3. How does the Commission assess the risk of overregulating an expanding sector and causing additional regulatory hurdles for companies confronted with strong international competition?

Submitted: 26.11.2024

**Answer given by Mr McGrath on behalf of the European Commission
(11 February 2025)**

1. The proposed Artificial Intelligence (AI) Liability Directive ⁽¹⁾ was designed with a forward-looking approach to modernise certain fault-based liability rules, considering AI's unique characteristics (opacity, complexity and autonomy), which differentiate it from traditional software.

Legal certainty regarding liability is important for reducing risks and encouraging businesses, especially small and medium-sized enterprises and startups, to invest in AI. Harmonised rules for fault-based liability minimise fragmentation, creating a predictable environment for innovation while ensuring accountability.

2. The proposed Directive does not create any administrative burden for businesses (no reporting, no registration, no documentation obligation) and enhances legal certainty.

The proposed AI Liability Directive is targeted and proportionate, as it only deals with aspects of liability that are challenged by the specificities of the AI, while all other aspects of liability are left to national law.

3. The Commission's aim is to create a framework that does not stifle growth. The proposed Directive does not create any additional hurdles for companies, as it relies on obligations that companies must already comply with under European or national law.

The AI Act ⁽²⁾ reduces risks for safety and fundamental rights, the Product Liability Directive ⁽³⁾ sets no-fault liability of producers for defective products, benefiting consumers, and the proposed AI Liability Directive covers liability for damages caused by AI, linked to the fault of any persons.

Adaptation of fault-based liability to the specificities of AI allows any type of victims of accidents caused by AI systems to prove a successful liability claim and obtain compensation.

⁽¹⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022PC0496>

⁽²⁾ <https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng>

⁽³⁾ <https://eur-lex.europa.eu/eli/dir/2024/2853/oj/eng>