



# UCD Centre for Digital Policy

## Ionad um Bheartas Digiteach UCD

**UCD Centre for Digital Policy Submission to the Department of Enterprise, Trade and Employment  
Public Consultation on National Implementation of EU Harmonised Rules on Artificial Intelligence  
(AI Act)**

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The above Centre members are pleased to respond to the Public Consultation on National Implementation of EU Harmonised Rules on Artificial Intelligence (AI Act). We present the following issues to inform Ireland's approach to implementing the Act and, specifically in relation to the configuration of national competent authorities required for implementation.

### **About the Centre**

UCD Digital Policy Centre builds digital policy capacity amongst the public and private sector in Ireland and across the EU. Our interdisciplinary membership believes that policy making and evaluation must be deliberative, emergent, and iterative, with sociocultural values at their core. Such an ambitious agenda will require working with stakeholders and beneficiaries to: (1) To develop effective and evidence-based formal and informal regulation and institutional digital policies, (2) to maintain such policies over time, and (3) to foreground urgent issues of sustainability, equity, and human rights.

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### I. Researching sustainability as an AI risk

Our Centre advocates prioritising AI and sustainability risks in Ireland. The AI Act relies on knowing and being able to foresee risk. High-risk cases were identified due to extensive research and evidence of harm. Supporting new research into potential risks of AI will ensure that regulation keeps pace of fast moving technologies.<sup>1</sup> Research in Ireland is a priority because for over 150 years, it has played a crucial role in the growth of tech communications systems including global connectivity and cable networks from early telegraph to future fibre optic.<sup>2</sup> Now, automated versions of these communications strategies through datafied infrastructure leads to the reliance on critical minerals, fossil fuels and carbon based energies, water-supplies, and wastes - the infrastructural burdens of which are often exported to rural Ireland or global majority countries.<sup>3</sup>

While environmental protections supporting sustainability are described in the AI Act's preamble, the Act as drafted is more optimistic about the as-yet unproven ability of AI to solve sustainability concerns rather than managing 'the steep cost of AI models to the environment'.<sup>4</sup> Ireland's tech hub leadership role requires our research leadership into the AI sustainability questions that impact us

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<sup>1</sup> Alistair Knott and others, 'The EU's Digital Services Act must provide researchers access to VLOPs' experimental protocols' (*informationdemocracy*, June 2024) <<https://informationdemocracy.org/wp-content/uploads/2024/06/The-EUs-Digital-Services-Act-must-provide-external-researchers-access-to-companies-experimental-platforms-2024.pdf>> accessed 24 June 2024

<sup>2</sup> Hunter Vaughan, "'Weaving Networks From Valentia Slate to Silicon Docks": Workshop with Visiting Newman fellow Hunter Vaughan' (2024. <<https://digitalpolicy.ie/2550-2/>> accessed 24 June 2024

<sup>3</sup> See Centre member Pat Brody's research here, including Patrick Bresnihan and Patrick Brodie, 'From Toxic Industries to Green Extractivism: Rural Environmental Struggles, Multinational Corporations and Ireland's Postcolonial Ecological Regime' (2024) 32 *Irish Studies Review* 93

<sup>4</sup> See ICCL fellow Dr Kris Shrishak's writing on the topic: Zuzanna Warso and Kris Shrishak, 'Hope: The AI Act's Approach to Address the Environmental Impact of AI' (*TechPolicy.press*, 21 May 2024) <<https://www.techpolicy.press/hope-the-ai-acts-approach-to-address-the-environmental-impact-of-ai/>> accessed 24 June 2024

all, and some more than others. A crucial regulatory instrument to inform Ireland’s implementation of the AI Act is the European Corporate Sustainability Reporting Directive (CSRD). Experts argue that alignment with both regulations is necessary to truly assess the sustainability of AI systems.<sup>5</sup>

## II. Entrenching multistakeholder perspectives

Further efforts are required to entrench multistakeholder perspectives. Following the Social Construction of Technology (SCOT)<sup>6</sup> paradigm, stakeholders emerge as “relevant social groups” that attribute to technological artefacts different expectations and fears<sup>7</sup>, creating points of tension and potential conflict as well as opportunities of new societal consensus. In that respect, new technologies do not carry immanent meaning and functionality but rather are engaged in an open-ended process of negotiation between different stakeholders that play a crucial role in their future development and deployment.

Overall, according to the SCOT perspective, the trajectory of AI development is not solely determined by technical feasibility or economic incentives but is profoundly influenced by the expectations held by various stakeholders, including researchers, developers, policymakers, industry leaders, and the public. As new AI systems are an emerging field, they still are in a phase of interpretative flexibility<sup>8</sup> regarding their potential application and integration. In that sense, a multistakeholder perspective is necessary to identify contested views and open up the way for a new consensus.

### a. Stakeholder perspectives on sustainability

This entrenched stakeholder perspective approach is crucial in two respects: (1) identification of a wider range of risks and opportunities as well as (2) engagement with novel regulatory mechanisms. Firstly, different stakeholders potentially hold unique perspectives on the “hidden costs” of new technologies, engaging with issues of sustainable development in ways that are often overlooked by AI developers themselves or by institutional actors. For example, the AI Act (Art.51) uses, among others, the number of floating-point operations (FLOPs) as a criterion to categorise an AI as General Purpose AI with systemic risk. However, this only serves as a partial understanding of AI’s impact to sustainability; local communities, closely tied with AI’s infrastructure potentially carry a deeper understanding of AI’s “hidden cost” and need to be empowered as a regulatory agent.

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<sup>5</sup> See for example Angela Salmeron and Marija Mistic, ‘AI and sustainability: A European View’, (IDC, June 2024) <<https://www.idc.com/getdoc.jsp?containerId=EUR152304524>> accessed July 7 2024

<sup>6</sup> Traver J. Pinch and Wiebe E. Bijker, ‘The social construction of facts and artefacts: Or how the sociology of science and the sociology of technology might benefit each other’ (1984) 14 *Social studies of science* 399

<sup>7</sup> Harro van Lente, ‘Navigating foresight in a sea of expectations: Lessons from the sociology of expectations’ (2012) 24 *Technology Analysis & Strategic Management* 769; Aphra Kerr, Marguerite Barry and John D. Kelleher. ‘Expectations of artificial intelligence and the performativity of ethics: Implications for communication governance’ (2020) 7 *Big Data & Society* 1

<sup>8</sup> Wiebe E. Bijker, *Of bicycles, bakelites, and bulbs: Toward a theory of sociotechnical change* (first published 1997 MIT Press) 390

## b. Labour perspectives on work and AI

In a similar vein, the AI Act (Art. 26) identifies the need for prior notification of employees when a high-risk AI system is introduced in the workplace, while simultaneously banning (Art. 5) AI systems that are used to infer emotions of natural persons in the workplace. While these aspects are undeniably significant, the past year indicates a wider range of points of tension. Labour representatives across various sectors expressed their concerns regarding AI, leading into collective agreements that included terms ranging from free job retraining<sup>9</sup> to protection of personal copyrights from Generative AI<sup>10</sup> to inclusion of unions and labour representatives into negotiations with AI deployers<sup>11</sup>. In that sense, acting as regulatory agents, labour representatives identified a broad range of risks and addressed them through concrete measures and the effective expansion of collective agreements into issues of new technologies<sup>12</sup>. These sectoral agreements need to be conceptualised as emergent decentralised governance structures that can complement the AI Act.

## III. Enshrining national Competent Authorities in multi-stakeholder engagement: distributed systems (decentralised governance)

We suggest that the involvement of multiple stakeholders be clearly specified in the designated Competent Authorities' (CA's) tasks which are notified to the Commission. We note that this section refers to the designation of CAs under Art. 70 of the AI Act. The Member States (MS) are obliged to designate at least one notifying authority and one market surveillance authority. More than one authority can be designated depending on the organisational needs of the MS. These CAs are charged with the "application and implementation" (Art 70(1)) of the AI Act). The designation of the market surveillance authority in respect of prohibited categories is particularly urgent given the prohibitions under Art. 5 apply six months after the entry into force of the AI Act.

MS are obliged to notify the Commission of the tasks which are to be carried out by the CA (Art 70 Cl 2). We consider it critical that multi-stakeholder engagement and multi-stakeholder oversight be enshrined in the specified tasks of the CA. As regards the importance of this we refer to recent work on reflexive governance of AI<sup>13</sup> and decentralised governance of AI<sup>14</sup>. Ní Fhaoláin et al. (2023) suggest that a reflexive governance framework allows for the inclusion of multiple stakeholders which affords all those affected by the regulatory framework a voice which is an important element

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<sup>9</sup> Ian Kullgren, 'Las Vegas Union Scores AI, Daily Cleaning Wins in Caesars Pact' (*Bloomberg Law*, 9 November 2023) <<https://news.bloomberglaw.com/daily-labor-report/las-vegas-union-scores-ai-daily-cleaning-wins-in-caesars-pact>> accessed 24 June 2024

<sup>10</sup> Tom Jones and Angela Fu, 'Writers Guild wins protections against artificial intelligence' (*Poynter*, 28 September 2023) <<https://www.poynter.org/commentary/2023/writers-guild-wins-protections-against-artificial-intelligence-newsroom-unions/>> accessed 24 June 2024

<sup>11</sup> Juliana Jiménez J and Noticias Telemundo, 'Latino casino, service workers in Nevada fear AI could replace them' (*NBCnews*, 2 February 2024). <<https://www.nbcnews.com/news/latino/latino-casino-service-workers-nevada-fear-ai-threat-jobs-rcna13620>> accessed 24 June 2024

<sup>12</sup> Valerio De Stefano and Simon Taes 'Algorithmic management and collective bargaining' (2023) 29 *Transfer: European Review of Labour and Research* 21

<sup>13</sup> Labhaoise Ní Fhaoláin, Vivek Nallur and Colin Scott, 'Promoting Social Justice through the Reflexive Governance of AI' in Karine Gentelet (eds), *Considering Artificial Intelligence Through the Lens of Social Justice* (Presses de l'Université Laval 2023)

<sup>14</sup> Joan Lopez Solano and others, 'Governing data and artificial intelligence for all: models for sustainable and just data governance' (European Parliamentary Research Service 2022)

where there is a power differential, such is the case in AI. The system also includes feedback and monitoring loops which allows for different perspectives to be included and, in the reflexive mode, for parties' positions to be altered. Decentralised governance of AI fits within a reflexive governance framework and Solano et al. (2022) propose a distribution of oversight activities across societal groups which would be complementary to the centralised regulatory system. The authors suggest that the involvement of groups from all facets of society would increase capacity to identify incremental harms. This work highlights how democratising oversight would lead to accountability which is more representative of society, and which would engender trust in the AI governance system.

In suggesting clearly specified multiple stakeholders' involvement in the designated CA's tasks, we argue for representation throughout the lifecycle of CA decisions. If the goal is to ensure that sectoral knowledge is captured and utilised and societal groups are engaged, the most efficient and effective way of doing so is to ensure representation is a CA decision lifecycle approach, rather than designating multitudinous CAs. This lifecycle approach would include the formalised engagement with the "authorities protecting fundamental rights" which are to be nominated by MSs within three months of the entry into force of the Act, under Art. 77.

**a. Addressing resource burden and administrative challenges for a distributed sectoral based system**

The MSs are obliged to *"ensure that their national competent authorities are provided with adequate technical, financial and human resources, and with infrastructure to fulfil their tasks effectively under this Regulation"* (Article 70 (3)). A further requirement is that the CAs be provided with a *"sufficient number of personnel permanently available"* and that these staff members' competencies and expertise shall include in-depth knowledge of : AI technologies, data and data computing, personal data protection, cybersecurity, fundamental rights, health and safety risks, knowledge of existing standards legal requirements.

This is a specific obligation to adequately resource the CA with wide ranging expertise on a permanent basis, which will be a challenge even in the case of one or two CAs. If there were multiple sectoral based CAs then the State would be obliged to ensure that each and every CA be sufficiently resourced with all of these teams on a permanent basis. This would not be an inefficient allocation of resources.

Having multiple CAs would also increase the administrative burden on the State. Every two years the State is obligated to report to the Commission on the financial status and human rights resources of the CAs.

Further, unless every Regulatory Body were appointed as a CA then there would be bodies excluded from the process whose expertise would need to be canvassed in any event.

## **b. Challenges to the consistency of the implementation of the AI Act for distributed sectoral based systems**

Given that CAs can provide guidance on the implementation of the AI Act (Art70(8)), if there were multifarious CAs then the process of issuing guidance would be challenging as different CAs could issue contradictory guidance in overlapping domains.

Upon a reasoned request from a CA, a provider must “provide that authority all the information and documentation necessary to demonstrate the conformity of the high-risk AI system...” If operating on a distributed sector-based system, the question arises whether each sector based CA would be in a position to assess whether conformity with the Act had been established. A further issue may arise if differing decisions were being reached in different domains and may result in a type of forum shopping, if one CA is seen as being more permissive than another.

This potential for forum shopping for more lenient treatment may also arise if differing levels of fines are being imposed by different CAs, depending on the sector.

## **III. Competent Authority candidates, with sectoral observations**

The obvious candidates for CA are drawn from the Competition and Consumer Protection Commission (CCPC), the Data Protection Commission (DPC), the National Standards Authority Institute and the Central Bank.

- The CCPC has competencies applicable to the role of CA through consumer representation, established legal teams, dawn raids, market surveillance experience, experience as a notifiable body, EU law application and responsibility. Relevant competencies include Dawn Raids, Consumer representation, Established legal team, National market surveillance experience, Notifiable body, EU Law, regulatory investigations, enforcement.
- The NSAI has experience as a national surveillance body through conformity assessments and both national and international standards.
- The DPC applies national and EU Law regulatory investigations, decision making and enforcement in the data domain and is also active in producing guidance. Challenges include a remit focused on compliance and data and less so on societal impact outside matters of individual privacy - not all AI applications use data. Further, leading domestic civil society organisations in Ireland have critiqued the DPC’s lack of capacity to enforce existing regulation.<sup>15</sup>
- The Central bank operates in the relevant field of regulation of conduct and services provided in the financial sector.

If designated as a CA, all of these bodies would face challenges, to a greater and lesser extent, including a lack of expertise in technology law, AI and data science, insufficient emphasis in their

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<sup>15</sup> See: Irish Council for Civil Liberties, ‘Europe’s enforcement paralysis: ICCL’s 2021 report on the enforcement capacity of data protection authorities’ <<https://www.iccl.ie/news/2021-gdpr-report/>> Accessed July 7 2024

remit on the societal impact of their decisions, an innate focus on their own domain and in increased pressure on all parts of the organisation. As regards the latest challenge referred to, leading domestic civil society organisations in Ireland have already critiqued the DPC's lack of capacity to enforce existing regulations. Without increasing resources significantly, existing capability issues will be exacerbated<sup>16</sup>.

In any event, the involvement of the DPC is unavoidable as a result of Art 74(8) GDPR. Further, The European Data Protection Board and European Data Protection Supervisor (EDPS) issued Joint Opinion 5/2021<sup>17</sup> suggesting that data protection authorities should take on the role as national authorities under the AI Act and this position was reiterated by the EDPS in 2023<sup>18</sup>.

At the time of writing, a power struggle is ongoing in Italy between Agency for Digital Italy (*Agenzia per l'Italia Digitale*, AgID), National Cybersecurity Agency (*Agenzia per la cybersicurezza nazionale*, **ACN**) and Data Protection Authority (*Garante per la protezione dei dati personali*, **Garante**). A draft proposal had seen the obligations under Art 70 divided between AgID and ACN. However Garante is calling for it to be the single supervisory authority for both AI and Data. Garante has also noted that:-

- National data protection authorities are to be appointed as market surveillance authorities pursuant to Art. 74.8 of the AI Act
- Under Art 5.3 of Act, biometric identification in the context of law enforcement activities requires prior authorization of a judicial authority (or an independent administrative authority) and which must comply with data protection regulations and in certain circumstances must be notified to the national data protection authority
- In any event national data protection authorities have oversight of algorithmic processes using personal data.

In the Netherlands, the Dutch Data Protection Authority and the Dutch Authority for Digital Infrastructure issued a joint proposal on the designation of market surveillance authorities within the CA category<sup>19</sup>. Given the role of the market surveillance authority in the assessment of Annex III high risk, the proposal links the categories with a relevant authority: Dutch Data Protection Authority (as default), the Dutch Authority for the Financial Markets and Dutch Central Bank (financial and insurance products) and the Dutch Authority for Digital Infrastructure/Human Environment and Transport Inspectorate (critical infrastructure). For relevant sector and domain specific authorities, the proposal emphasises the need for close coordination, cooperation and knowledge sharing between the sectoral and domain specific authorities with the Market Surveillance Authority. The importance of coordination with the Authorities Protecting Fundamental Rights is also highlighted.

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<sup>16</sup> See: Ibid

<sup>17</sup> EDPB and EDPS, 'Joint Opinion 5/2021 on the proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act)' (2024)

<sup>18</sup> EDPS, 'Opinion 44/2023 on the Proposal for Artificial Intelligence Act in the light of legislative developments' (2023)

<sup>19</sup> Dutch Data Protection Authority and Dutch Authority for Digital Infrastructure, '2nd (interim) advice on the Dutch supervisory structure for the AI Act' (2024)

#### IV. Synergies between AI Act and other EU Regulations applying to digital markets, services, and infrastructure

The EU has adopted a series of regulations in recent years aimed at protecting consumers, strengthening the internal market, and ensuring that the EU remains at the forefront of innovation and the adoption of advanced technologies. The implementation of the AI Act can synergise with these regulations to create a more cohesive and efficient regulatory environment that fosters trust, fairness, and innovation. As follows:

The **General Data Protection Regulation (GDPR)**<sup>20</sup> provides robust safeguards for personal data, which is crucial for AI systems handling sensitive data. Aligning the AI Act with GDPR's provisions, such as **Article 22**<sup>21</sup>, which grants individuals the right not to be subject to automated decisions without human intervention, ensures that AI systems provide transparency and options for human oversight. Additionally, by enforcing **Article 15's**<sup>22</sup> right to access by the data subject, the AI Act can mandate that AI systems clearly inform users about their data's usage and processing purposes, thereby enhancing transparency and trust.

The **Digital Services Act (DSA)**<sup>23</sup> aims to create a safer digital environment by regulating online intermediary services. This regulation's focus on transparency in content moderation and the prompt removal of illegal content<sup>24</sup> is relevant to the AI Act's goals. Although AI technologies like recommender systems, typically covered under the DSA, fall into the minimal risk category under the AI Act, the intersection of these regulations ensures that AI systems involved in content moderation are transparent about their decision-making processes. Furthermore, the DSA's requirements for regular risk assessments on the dissemination of illegal content<sup>25</sup> align with the AI Act's emphasis on risk management, promoting a safer digital environment.

In ensuring fair competition, the **Digital Markets Act (DMA)**<sup>26</sup> regulates gatekeeper platforms, preventing anti-competitive practices. The AI Act can synergise with the DMA by incorporating principles that prevent AI systems from unfairly disadvantaging competitors. By facilitating data portability and ensuring users can transfer their data between services, as mandated by the

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<sup>20</sup> Intersoft Consulting, 'General Data Protection Regulation GDPR' <<https://gdpr-info.eu/>> accessed 24 June 2024

<sup>21</sup> Intersoft Consulting, 'Art. 22 GDPR Automated individual decision-making, including profiling' <<https://gdpr-info.eu/art-22-gdpr/>> accessed 24 June 2024

<sup>22</sup> Intersoft Consulting, 'Art. 15 GDPR Right of access by the data subject' <<https://gdpr-info.eu/art-22-gdpr/>> accessed 24 June 2024

<sup>23</sup> Directorate-General for Communication, 'The Digital Services Act Ensuring a safe and accountable online environment' (*European Commission*) <[https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/digital-services-act\\_en](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/digital-services-act_en)> accessed 24 June 2024

<sup>24</sup> European Commission, 'The impact of the Digital Services Act on digital platforms' (30 April 2024) <<https://digital-strategy.ec.europa.eu/en/policies/dsa-impact-platforms>> accessed 25 June 2024

<sup>25</sup> Cyber Risk GmbH, 'The final text of the Digital Services Act (DSA)', <[https://www.eu-digital-services-act.com/Digital\\_Services\\_Act\\_Article\\_34.html](https://www.eu-digital-services-act.com/Digital_Services_Act_Article_34.html)> accessed 25 June 2024

<sup>26</sup> European Commission, 'The Digital Markets Act' <[https://digital-markets-act.ec.europa.eu/index\\_en](https://digital-markets-act.ec.europa.eu/index_en)> accessed 25 June 2024



DMA<sup>27</sup>, the AI Act enhances user control and fosters a competitive market environment. This alignment ensures that AI technologies contribute to a fair digital marketplace.

The **Data Governance Act (DGA)**<sup>28</sup> facilitates the sharing and reuse of data across sectors and borders within the EU. The AI Act can leverage the dataspace established under the DGA to access high-quality data for AI training and development. By aligning with DGA's standardised data sharing protocols, the AI Act ensures that AI systems can securely and efficiently share data, promoting innovation and interoperability.

As a significant final priority, the **European Corporate Sustainability Reporting Directive (CSRD)** seeks to strengthen rules about the social and environmental information that companies have to report, creating transparency for investors seeking to assess financial risks and opportunities arising from climate change and other sustainability issues.<sup>29</sup> Alignment with CSRD and the AI act is necessary to assess sustainability of AI systems.

The alignment of the AI Act with these existing regulations not only streamlines compliance for businesses but also supports the development of trustworthy, ethical, sustainable, and innovative AI systems. This coordinated approach will bolster Ireland's position as a leader in the digital economy, enhancing consumer protection, market fairness, and cybersecurity across the EU.

## V. Public trust through transparency and education

To address how implementing the AI Act can drive support and accelerate progress while meeting regulatory obligations, we argue that government activities should build public trust by increasing transparency and improving literacy on AI. Public trust in AI is crucial because it influences investment decisions, societal acceptance, political support, knowledge development, and innovation.<sup>26</sup> A cornerstone for building public trust in AI is transparency obligations that ensure AI systems do not pose a risk to human safety or fundamental rights. These transparency obligations include informing users when interacting with AI systems and providing clear and accessible information on how their data is used and how AI systems make decisions, and develop answers, recommendations, diagnoses, and other outputs.<sup>27</sup> AI systems – including algorithms and data

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<sup>27</sup> Regulation (EU) 2022/1925 of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) [2022], OJ L 265/1 <[https://www.concurrences.com/en/dictionary/digital-markets-act#:~:text=The%20Digital%20Markets%20Act%20\(%E2%80%9CDMA,ex%2Dante%20rules%20in%20the](https://www.concurrences.com/en/dictionary/digital-markets-act#:~:text=The%20Digital%20Markets%20Act%20(%E2%80%9CDMA,ex%2Dante%20rules%20in%20the)> accessed 1 July 2024

<sup>28</sup> Cyber Risk GmbH, 'The European Data Governance Act (DGA)' <<https://www.european-data-governance-act.com/>> accessed 24 June 2024

<sup>26</sup> Patrick Bedué and Albrecht Fritzsche, 'Can we trust AI? An empirical investigation of trust requirements and guide to successful AI adoption' (2022) 35 *Journal of Enterprise Information Management* 530

<sup>27</sup> KPMG in Ireland, 'Why AI systems hallucinate facts and figures: Unravelling the enigma' (*Insights*, 6 June 2024) <<https://kpmg.com/ie/en/home/insights/2024/06/why-ai-hallucinate-facts-figures-art-int-rd.html>> accessed 25 June 2024

<sup>29</sup> Directorate-General for Financial Stability, Financial Services and Capital Markets Union, 'Corporate sustainability reporting' <[https://finance.ec.europa.eu/capital-markets-union-and-financial-markets/company-reporting-and-auditing/company-reporting/corporate-sustainability-reporting\\_en](https://finance.ec.europa.eu/capital-markets-union-and-financial-markets/company-reporting-and-auditing/company-reporting/corporate-sustainability-reporting_en)> accessed 7 July 2024

sources – should be understandable, enabling users to make informed choices about using these tools. This includes verifying whether AI tools have been trained in compliance with the AI Act and a clearer understanding of how the model arrived at specific conclusions. For instance, in the health sector, it is crucial to understand the rationale behind an AI model's diagnosis to ensure that it aligns with a doctor's approach and to allow the physician to verify the model's conclusions. Additionally, establishing an entity independent from the government, like Spain's Agency for the Supervision of Artificial Intelligence (AESIA),<sup>28</sup> can promote the adoption of transparency best practices and ensure an ethical approach can be recognised and governed by everyone whose lives and livelihoods are impacted.

The UCD Centre for Digital Policy [report](#) on Public Perceptions of Data, Artificial Intelligence, Use and Regulation set out to understand public knowledge, attitudes to, and perceptions of artificial intelligence in Ireland, discovering important gaps in knowledge.<sup>30</sup> Engaging the public through consultations and educational campaigns to raise awareness and understanding of AI technologies can support alleviate fears and misconceptions, leading to broader acceptance and support from public sector workers, private corporations and citizens.<sup>29</sup> This may include consultations, workshops, and informational campaigns to educate citizens about AI, its benefits and potential risks. We at the Centre for Digital Policy understand the roles of AI literacy as a key consideration for Ireland. While we would agree with the Minister for Finance that it is “essential that workers are supported” with skills in the AI transition, we would add that there is also a demand for AI ethics skills and capacity in Ireland to govern the risks and opportunities of AI in manners that are harmonious with EU rules. Our Centre is responding to this demand via our [educational programmes](#). They are designed to produce future or support existing professionals with a deep understanding of both theoretical and applied issues in digital policy, including Artificial Intelligence. These programmes are available at the MSc, Grad Dip Professional Certificate, and Microcredential level.

While the regulation intends to mitigate potential harms such as biased algorithms or job losses, their practical implementation and ability to keep pace with rapid technological advancements will be critical factors in their success. To harness AI's social and economic potential, Ireland should establish clear guidelines and standards that balance innovation with regulatory compliance. This will ensure that AI technologies are developed and deployed responsibly, fostering trust among businesses and the public.<sup>30</sup> One notable proposal within this framework is establishing a "national AI seal," based on the guidelines (as it exists in Spain)<sup>31</sup>, certifying that AI systems deployed within the island adhere to Irish/European standards. This seal will signify compliance with the Act requirements and underscore a commitment to ethical AI practices. It could also allow companies to self-assess whether their systems comply with the Act and continue to monitor compliance with the products on the market.<sup>32</sup> This certainty can attract investment, encourage the adoption of AI across various sectors, promote best practices and position Ireland as a leader in ethical AI development.

Additionally, it is essential to establish an observatory focused on the algorithmic impact on society and the economy (as it exists in Germany and Canada).<sup>33</sup> Such an initiative would serve as a

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<sup>30</sup> UCD Centre for Digital Policy (2023) PUBLIC PERCEPTIONS of Data, Artificial Intelligence Use and Regulation <https://digitalpolicy.ie/wp-content/uploads/2023/05/PublicPerceptionsofDataArtificialIntelligenceUseandRegulation.pdf>

dedicated platform to monitor, analyse and evaluate the effects of AI technologies across various sectors. It could have in-built functions to carry out informal audits on systems considered high risk. By systematically collecting data and insights, the observatory can provide policymakers, businesses, and researchers with valuable information to make informed decisions and shape future policies. For example, the observatory would be crucial in tracking how algorithms influence employment patterns, income distribution, and overall economic growth. It would monitor shifts in labour markets driven by automation and AI adoption, identifying both opportunities for job creation and areas vulnerable to displacement. The observatory should be accessible to agency staff and companies using high-risk AI systems.

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<sup>28</sup> Pablo Jiménez Arianda, 'What to expect from Europe's first AI oversight agency' (*Algorithm Watch*, 2024) <<https://algorithmwatch.org/en/what-to-expect-from-europes-first-ai-oversight-agency/>> accessed 25 June 2024

<sup>29</sup> Shane Tews, 'Building Trust in AI: The Crucial Role of Education and Partnerships' (*AEI*, 14 May 2024) <<https://www.aei.org/technology-and-innovation/building-trust-in-ai-the-crucial-role-of-education-and-partnerships/#:~:text=Proper%20education%20can%20also%20help,to%20unleashing%20AI's%20positive%20i mpact>> accessed 25 June 2024

<sup>30</sup> Mariaosaria Taddeo and Luciano Floridi, 'How AI can be a force for good—an ethical framework to harness the potential of AI while keeping humans in control' in Luciano Floridi (ed), *Ethics, governance, and policies in artificial intelligence* (Springer International Publishing 2021)

<sup>31</sup> Arianda, footnote 28

<sup>32</sup> Ibid

<sup>33</sup> Lucia Russo and Noah Oder, 'How countries are implementing the OECD Principles for Trustworthy AI', (*The AI Wonk*, 31 October 2023). <<https://oecd.ai/en/wonk/national-policies-2>> accessed 25 June 2024