TTLF Working Papers

No. 117

Does the Criticality Pyramid of the Proposed European AI Act Have Blind Spots? A Comparative Analysis of EU and US Law

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2024

TTLF Working Papers

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Suggested Citation

This TTLF Working Paper should be cited as:
Jonas Pfister, Does the Criticality Pyramid of the Proposed European AI Act Have Blind Spots? A Comparative Analysis of EU and US Law, Stanford-Vienna TTLF Working Paper No. 117, http://ttlf.stanford.edu.

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Abstract

The rapid advancement of Artificial Intelligence (AI) has prompted significant regulatory efforts from both the European Union (EU) and the United States (US). As AI becomes increasingly embedded in various sectors, concerns over its ethical use, security, and societal impact have grown. This article delves into the regulatory strategies of the EU and the US, focusing on the scope and choice of sectors deemed to be high-risk. Through a comparative analysis, it sheds light on how these two influential regions are navigating the challenges of creating comprehensive AI governance frameworks and identifies blind spots in the EU approach.

1. Introduction

Artificial Intelligence (AI) has rapidly evolved from a futuristic concept to an integral part of our daily lives, revolutionizing industries from healthcare to finance.[1] As its capabilities grow, so do concerns about its ethical and legal implications, security risks, and potential impact on privacy.[2] In response, both the European Union (EU) and the United States (US) have embarked on ambitious paths to regulate AI, striving to balance innovation with responsibility. This article explores the distinct approaches and challenges faced by these two global powers with regard to risk as they seek to establish frameworks that ensure AI development aligns with societal values and legal standards.

The initial proposal on AI regulation by the European Commission made use of a combined approach of strict prohibition and layered enforcement.[3] The overall strategy is comprised of a "pyramid of criticality"[4], based on the risk involved in the practice or intended sector of use. The majority of the norms

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[1] Kaminski, Regulating the risks of AI, Boston University Law Review, 2023/103, 1347.

[2] See Commission, White Paper on Artificial Intelligence - A European Approach to Excellence and Trust, COM(2020) 65 final, 19 February 2020 (Commission White Paper on AI).

[3] European Commission, Proposal for a regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain Union legislative acts, COM (2021) 206 final (EU COM AI-ACT)

[4] The term was initially coined by the German Data Ethics Commission; Data Ethics Commission (Germany), Opinion (2020), available at http://www. odbms.org/2020/10/opinion-of-the-german-data-ethics-commission/ (last accessed 04.05.2024); According to Mahler, the proposal was inspired by the opinion: Mahler, Tobias, Between risk management and proportionality: The risk-based approach in the EU's Artificial Intelligence Act Proposal (September 30, 2021). Nordic Yearbook of Law and Informatics, Available at SSRN: https://ssrn.com/abstract=4001444 246; see also: Akinola, Olanrewaju and Tunbosun, Ogundipe Adebayo and Oladapo, Bankole, Comparative Analysis Regulation of AI and Algorithm in UK, EU and USA (September 7, 2022). http://dx.doi.org/10.2139/ssrn.4212588.

established in the horizontal regulation only apply, if the practice involved is not prohibited and the system falls in the high-risk category. However, initially only four practices were explicitly mentioned and eight critical sectors, alongside certain applications in the New Legislative Framework (NLF), were listed as fields of application of the high-risk requirements. Hence, the question arises, whether this criticality pyramid has blind spots. The question will be evaluated based on comparative analysis to pertinent future US Law. An examination of both approaches highlights differences in the frameworks and therefore provides insight into potential weaknesses.

2. Current Status

As of May 2024, after revisions by the EU Parliament and the EU Council in their respective proposals, the final draft of the EU AI Act was leaked on January 22, 2024 and later removed. Versions of the document are now available for the public[5], although the final publication is still outstanding. The regulation is mainly comprised of prohibitions and design requirements for Artificial Intelligence systems, focusing on risk management, data governance, transparency, human oversight, robustness and security. In the US, the Algorithmic Accountability Act was first introduced in 2019[6], sponsored by three senators – Brooker, Wyden and Clarke. The bill would mandate the Federal Trade Commission to establish regulations within two years, compelling companies to evaluate their high-risk automated decision systems for impacts on accuracy, fairness, bias, discrimination, privacy, and security. Companies must perform these assessments for new systems before implementation and for existing systems as frequently as the Commission deems necessary.[7] In 2022, the Algorithmic Accountability Act of 2022[8] was

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[5] See European Parliament, Amendments by the European Parliament to the Commission proposal Regulation (EU) 2024/… of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828, (Artificial Intelligence Act) (henceforth: EU AI Act).
[6] Algorithmic Accountability Act of 2019, S. 1108, H.R. 2231.
[7] For a summary see MacCarthy, Mark, An Examination of the Algorithmic Accountability Act of 2019 (October 24, 2019). Available at SSRN: https://ssrn.com/abstract=3615731 or http://dx.doi.org/10.2139/ssrn.3615731.
[8] Algorithmic Accountability Act of 2022, S.3572. H.R.6580 (US AAA 2022).

introduced by a group of US lawmakers, which updated the 2019 version. This bill in turn was replaced by the Algorithmic Accountability Act 2023.[9] The analysis is based on the respective latest documents.

3. Remarks on Competence

In a direct comparison between the two documents, an immediately evident detail is that the Algorithmic Accountability Act would exclusively apply to the private sector. This is due to the fact, that US constitutional law imposes severe constraints to regulate public sector use of AI systems in the respective states and local governments.[10] It should be noted, however, that the Biden administration aims to address some of these issues on a federal level with the AI Bill of rights[11], which is not the focus of this analysis.[12,13] The European Union on the other side, bases its competence on Article 114 of the Treaty on the Functioning of the European Union (TFEU), which provides for the adoption of measures to ensure the establishment and functioning of the internal market.[14] Exceptions apply insofar as the regulation would encroach on core member state competences, such as national security. However, the European Union is empowered to also regulate public sector use of AI, insofar as it concerns the functioning of the internal market. Due to the described discrepancy in competence and resulting scope, the analysis is limited to private sector use cases.

4. The Key Difference in Definition

The first point that needs to be addressed is the respective definition linked to the material scope of the EU AI Act and the US AAA 2023. It should be noted, that defining Artificial Intelligence is a notoriously

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[9] Algorithmic Accountability Act of 2023, S.2892. H.R.5628 (US AAA 2023).

[10] Bunnell, Columbia Journal of Law & Social Problems 54 (2021), 261 (278 et seq., 296).

[11] The White House, Blueprint for an AI Bill of Rights (Washington, D.C., 2022) https://www.whitehouse.gov/wp-content/uploads/2022/10/Blueprint-for-an-AI-Bill-of-Rights.pdf.

[12] For an overview see Alex Engler, "The AI Bill of Rights makes uneven progress on algorithmic protections," The Brookings Institution, February 9, 2023. https://www.brookings.edu/2022/11/21/the-ai-bill-of-rights-makes-uneven-progress-on-algorithmic-protections/.

[13] See also NIST, AI Risk Management Framework (AI RMF 1.0) 13 (2023).

[14] See EU COM AI-Act Explanatory Memorandum n2.

difficult task.[15,16,17] *Russel/Norvig* showed that definitions of Artificial Intelligence differ widely depending on the perspective.[18] A holistic review by *Kluge Corrêa et alia*[19] highlighted, that in over 111 normative documents on Artificial Intelligence, the term itself was only defined in 55,5% of the cases. However, the definition is central to regulation and governance. The European Commission made it its objective, to find a narrow, clear and precise definition of the subject matter at the request of various stakeholders.[20] The lawmakers first settled on a definition, which would include most software based on several technologies and approaches including machine learning, symbolic AI as well as statistical systems.[21] Taking into account the inconsistency with the aforementioned objective, the text was met with much criticism, since it was deemed to be too broad.[22] The fear of including any software in the definition led to several revisions and it was finally fitted to that of the OECD.[23] The lawmakers intentionally tried to align with the international framework on AI regulation[24] to facilitate convergence and wide acceptance. 'AI system' now refers to 'a machine-based system designed to operate with varying levels of autonomy, that may exhibit adaptiveness after deployment and that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments'. Even though the intention of aligning with international law is rational and justifiable, the keen observer may already notice the change this adaption

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[15] Salvatore Rocco, World Wide AI: Regulatory and Strategy Developments in the Use of Artificial Intelligence by States, LTZ 2022, 212.

[16] *Zanol et al*, What is „AI"? - Exploring the Scope of the „Artificial Intelligence Act", JusIT 2022/02/24/02.

[17] This equally applies to "algorithmic tools" – see Pan, Exploring algorithmic governance in international trade law: an analysis of the United States, European Union, and China, Ariz. J. Int'l & Comp. Law 2024/14, 134 (139).

[18] Russell/Norvig, Artificial Intelligence (2019) 19 et seq.

[19] Kluge Corrêa/Galvão, C./Santos/Del Pino/Pinto/Barbosa/Massmann/Mambrini/Galvão, L./Terem/De Oliveira, Worldwide AI ethics: A review of 200 guidelines and recommendations for AI governance, Patterns 2023/10, 100857.

[20] See EU COM AI-Act Explanatory Memorandum n3.1.

[21] See EU COM AI-Act Art 3(1) and Annex I.

[22] See *Ebers et al*, Der Entwurf für eine EU-KI-Verordnung: Richtige Richtung mit Optimierungsbedarf - Eine kritische Bewertung durch Mitglieder der Robotics & AI Law Society (RAILS), RDi 2021, 528 (529).

[23] See OECD, Recommendation of the Council on Artificial Intelligence, adopted by the OECD Council at Ministerial level on 22 May 2019, OECD/Legal/0449, 2022 (OECD AI Principles).

[24] See Recital 12 EU AI Act.

has brought along. As *Hacker* pointed out, much emphasis is now given to the term 'infer'. [25] Recital 6 aims to clarify, that the capability to infer is the key characteristic of an AI system. Expanding on *Hackers* remarks, one may also find a peculiar relationship between 'infer' and 'how to'. The notion of AI system only applies, if the system itself can infer not the output, but rather the 'how to' of generating an output. Therefore, less complex systems, which do not rely on machine learning or advanced symbolic AI, meaning where the path to generating an output is deterministic and in essence provided for by humans, will not be encompassed. This detail is all but minor. An illustrative example is the Austrian labor market algorithm, which has recently accrued notice by the media and academia due to unclear distribution of accountability between the system and the employees, potential discrimination and lack of transparency. [26] The algorithmic decision system is employed by the Austrian Public Employment Service (AMS). The statistical decision support model is based on a logistic regression calculation and aims to categorize job seekers. Depending on the prospects of labor market integration, job seekers a assigned a different category and will therefore receive different funding and subsidies. [27] The system was the subject of an extensive legal case before the highest Austrian administrative court [28], which overturned the previous decision in the second instance and demanded the case be reevaluated on the basis of new judgements in the SCHUFA-Cases. [29] The example highlights the need for clear and succinct rules for statistical models, which will henceforth not be regulated by the EU AI Act.

In contrast, the Algorithmic Accountability Act 2023 does not refer to Artificial Intelligence, but rather to Automated Decision Systems. [30] An Automated Decision System means "any system, software, or process

[25] Hacker, Comments on the Final Trilogue Version of the AI Act, https://www.europeannewschool.eu/images/chairs/hacker/Comments%20on%20the%20AI%20Act.pdf, 3.
[26] See Lopez, Reinforcing Intersectional Inequality via the AMS Algorithm in Austria in Proceedings of the STS Conference Graz 2019.
[27] See Allhutter, D., Cech, F., Fischer, F., Grill, G., Mager, A. (2020): Algorithmic Profiling of Job Seekers in Austria: How Austerity Politics Are Made Effective. Frontiers in Big Data 17 (5).
[28] VwGH 21.12.2023, Ro 2021/04/0010-11.
[29] CJEU 07.12.2023, C-634/21 – SCHUFA I.
[30] US AAA 2023 Sec 2(2).

(including one derived from machine learning, statistics, or other data processing or artificial intelligence techniques and excluding passive computing infrastructure) that uses computation, the result of which serves as a basis for a decision or judgment." As opposed to the scope of the EU AI Act, the bill would also apply to statistical models and even data processing.[31] The US lawmakers therefore assert, that even these comparatively simple systems may pose risks that demand regulation. The difference in demarcation of the scope of both acts has already been subject in academic literature. *Mökander et alia* posed in 2022, that the term Automated Decision System better encapsulates the actual technical features of concern.[32] The authors highlighted the advantage of framing the discussion around 'critical decision processes'[33] rather than critical AI systems, since it avoids defining Artificial Intelligence altogether. This assessment is even more accurate after the recent changes in the proposals.[34],[35] The US Algorithmic Accountability Act also takes into account the relationship between humans and machines by referring to the decision rather than the system, which the EU AI Act definition does not allow for. This inevitably leads to the conclusion, that the first blind spot in the EU-legislation can be ascertained. Certain systems (or decisions) that may be harmful but which do not fulfil the new definition of AI system will not fall in the scope and will therefore not be subject to regulation.

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[31] See for the 2022 version: Gursoy, Furkan and Kennedy, Ryan and Kakadiaris, Ioannis, A Critical Assessment of the Algorithmic Accountability Act of 2022 (March 3, 2022). Available at
SSRN: https://ssrn.com/abstract=4193199 or http://dx.doi.org/10.2139/ssrn.4193199, 2.

[32] Mökander, Jakob and Juneja, Prathm and Watson, David and Floridi, Luciano, The US Algorithmic Accountability Act of 2022 vs. The EU Artificial Intelligence Act: What can they learn from each other? (August 18, 2022).
https://doi.org/10.1007/s11023-022-09612-y, Available at SSRN: https://ssrn.com/abstract=4268345, 3.

[33] See below.

[34] See also Chapman, The Ideal Approach to Artificial Intelligence Legislation: A Combination of the United States and European Union, 78 U. Miami L. Rev. Fall 2023, 265 (294).

[35] For further criticism of the definition see Bryson, Europe Is in Danger of Using the Wrong Definition of AI (2022), https://www.wired.com/story/artificial-intelligence-regulation-european-union/.

5. Different Approaches and Sectors

The "first wave"[36] of AI-regulation – although not homogenous – envelops at least some common ideas or mechanics.[37] AI regulation is usually focussed on risk[38], an aspect that is more than apparent in both legislative acts. The convergence of approaches between the EU and the US has succinctly been highlighted by *Enger*, who demonstrated that the EU AI Act and the AI Bill of Rights significantly overlap in terms of risks addressed.[39] While there are also many similarities in the approaches between the EU AI Act and the US Algorithmic Accountability Act, first, a key difference should be noted. The US legislation would not apply to small companies with a turnover below 50 million USD, with less than 250 million in equity in USD or with less than 1 million users.[40] A comparable exception does not exist in the EU AI Act. It rather just excludes deployers of AI systems which do not use them in a professional context, which could be viewed as advantageous from the EU perspective.[41]

Moving on to the comparison, the European Commission decided to prohibit certain practices and thoroughly regulate systems, which will fall in the high-risk category. The risk-based approach is supposed to ensure proportionality and effectivity.[42] According to Article 5 of the proposed EU AI-Act, prohibited practices include exploitative and subliminal AI practices, which may cause physical or psychological harm or are to the detriment of specific vulnerable groups. Furthermore, specific use cases of biometric systems, as well as social scoring will no longer be permissible.[43] If a practice is not covered

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[36] So named by Salvatore Rocco, World Wide AI: Regulatory and Strategy Developments in the Use of Artificial Intelligence by States, LTZ 2022, 212.

[37] Compare Ada Lovelace Institute, AI Now Institute and Open Government Partnership, 'Algorithmic accountability for the public sector. Learning from the first wave of policy implementation' (Joshi et al. Eds., 2021) 14 et seq.

[38] See also: Kaminski, Regulating the risks of AI, Boston University Law Review, 2023/103, 1347.

[39] Engler, A., 2023. The EU and U.S. diverge on AI regulation: A transatlantic comparison and steps to alignment, Brookings Institution. United States of America. Retrieved from https://policycommons.net/artifacts/4140126/the-eu-and-us-diverge-on-ai-regulation/4948949/ on 19 May 2024. CID: 20.500.12592/3ptdkj.

[40] US AAA 2023 Sec 2(A).

[41] See Mökander, Jakob and Juneja, Prathm and Watson, David and Floridi, Luciano, The US Algorithmic Accountability Act of 2022 vs. The EU Artificial Intelligence Act: What can they learn from each other? (August 18, 2022), 4.

[42] Mahler, Tobias, Between risk management and proportionality: The risk-based approach in the EU's Artificial Intelligence Act Proposal (September 30, 2021). Nordic Yearbook of Law and Informatics, Available at SSRN: https://ssrn.com/abstract=4001444 246.

[43] For details see Townsend, Bev, Decoding the Proposed European Union Artificial Intelligence Act, Insights Vol. 25, Issue 20 (2021).

by Article 5 of the proposal and therefore not deemed unacceptable, it may be classified as high-risk system according to Art 6 and subject to extensive obligations. These include the establishment of risk management systems, record keeping, data governance, transparency provisions, human oversight and further requirements on accuracy, robustness and cybersecurity.

A system will be classified as high-risk, if it is covered by harmonised product safety legislation, which includes p. ex. machinery or toys, and fulfils additional requirements. Those fields are part of the New Legislative Framework, where it is detrimental to ensure consistency with existing legislation.[44] Otherwise, the only way for a system to fall in the high-risk category, is if it is employed in a manner, that is covered by Annex III of the proposal. A new exception in the EU AI Act allows for a derogation for certain use cases, where the risk is considered to be minimal.[45] Such applications include translation or data processing.[46] The annex lists specific sectors such as management and operation of critical infrastructure, education and vocational training, employment, law enforcement, migration, justice or access to essential services. The annex is not static, since it may be amended through a delegated act by the European Commission.[47] The list is comprehensive. A system that is not used in such a context, will not be considered high-risk and will therefore not have to fulfil the requirements. This is deemed a necessary trade-off to achieve legal certainty and proportionality. Hence, the inclusion of sectors, which pose significant risks to EU citizens, is of utmost importance. According to the recitals[48], the assessment of risk is mainly based on the potential harm of the systems to health, safety and fundamental rights.

Similar risk assessments and value judgements can also be found in the proposed US bill. The evaluation, whether certain use cases pose a significant threat to the mentioned goods, is directly depicted in the Algorithmic Accountability Act of 2023. Sec 2(8) defines "critical decisions" as "a decision or judgment

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[44] Deipenbrock, Regulating and Supervising Artificial Intelligence - The European Union Approach and its Implications for Financial Markets and Financial Services, EWS 2022, 181 et seq.
[45] Art 6 (3) EU AI Act.
[46] Rec 32a EU AI Act.
[47] Art 7 EU AI Act.
[48] Rec 40 et seq. EU AI Act

that has any legal, material, or similarly significant effect on a consumer's life relating to access to or the cost, terms, or availability of" certain subject matters. As central regulatory instrument, the US lawmakers chose an impact assessment according to Sec 3(1)(A), which includes any deployed Automated Decision System deployed for use in an Augmented Critical Decision Process and the Augmented Critical Decision Process itself. An Augmented Critical Decision Process is "a process, procedure, or other activity that employs an automated decision system to make a critical decision."[49] Importantly, the impact assessment is not a paper tiger.[50] Rather the identified risks must be eliminated or mitigated according to Sec 3(1)(H). The critical areas identified are (A) education and vocational training, including assessment, accreditation, or certification, (B) employment, workers management, or self-employment, (C) essential utilities, such as electricity, heat, water, internet or telecommunications access, or transportation, (D) family planning, including adoption services or reproductive services, (E) financial services, including any financial service provided by a mortgage company, mortgage broker, or creditor, (F) healthcare, including mental healthcare, dental, or vision, (G) housing or lodging, including any rental or short-term housing or lodging and, (H) legal services, including private arbitration or mediation. Furthermore Sec 2(8) provides for a fallback clause in lit I., which allows the FTC to include "any other service, program, or opportunity decisions about which have a comparably legal, material, or similarly significant effect."

The similarity in approaches is therefore glaringly obvious. Both acts describe a list of critical sectors, which should be regulated. Additionally, both proposed legislative acts will allow the relevant public body to expand the list of critical sectors through a delegated act. However, the lists differ significantly. First and foremost, it should be noted that the descriptions in the US Algorithmic Accountability Act 2023 are much broader than in Annex III of the EU AI Act. Whereas the former generally describes sectors, the latter also requires the deployment of the AI system to fulfill one of the use cases described in these

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[49] Sec 2(1) US AAA 2023.
[50] Impact assessment are generally deemed useful in the US, see Oduro, Moss, Metcalf, Obligations to assess: Recent trends in AI accountability regulations, Patterns 2022/11, 100608 et seq.

sectors, therefore severely limiting the scope. The US AAA 2023 for example, would include any kind of critical decision made in the area of financial services, whereas the EU AI Act would only include the evaluation of creditworthiness of natural persons or the establishment of a credit score.[51] It is questionable if such a limited description is favorable in terms of future proofing the Annex. However, one might also argue, that this is a necessity to achieve a standard of legal certainty. Furthermore, the list in the US AAA 2023 also includes sectors, which are currently not mentioned at all in the EU proposal, such as legal services, family planning or housing. If one takes the example of housing, historical and recent developments show, that there is significant risk associated with the use of AI in this sector.[52] The field of application goes beyond simply evaluating credit score.[53] A study conducted by the U.S. National Bureau of Economic Research demonstrates significant risk of housing discrimination.[54] These patterns could be perpetuated with the widespread use of AI. Besides discrimination in the process of application for housing, an applicant can be assigned the category of "high-risk" tenant, for a crime such as littering, which the applicant did not commit, due to faulty data.[55] Such risks should be mitigated through mandatory data governance practices. The lack of inclusion of sectors like housing and lodging seems to fall in line with the general criticism in literature, that the EU AI Act as compared to the US AAA 2023 does not focus enough on affected groups.[56,57] Therefore, one must ascertain further blind spots in Annex III of the EU-AI Act.[58]

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[51] Annex III (5)(b) EU AI Act.

[52] Compare for housing and other sectors: Okoh, The Dilemma of Black Coding: Assessing Algorithmic Discrimination Legislation in the United States, Court Review 2023/59, 10.

[53] Calderon, Unintentional algorithmic discrimination: How artificial intelligence undermines disparate impact jurisprudence, Duke Law & Technology Review 2024/24, 28.

[54] National Bureau of Economic Research, Racial discrimination and housing outcomes in the United States rental market, Working paper 29516 (2021).

[55] See for example: https://smithnmtc.com/housing-discrimination-big-data-ai-and-algorithmic-models/.

[56] Ada Lovelace Institute Policy Briefing: 18 Recommendations to Strengthen the EUAI Act (2022) https://www.adalovelaceinstitute.org/wp-content/uploads/2022/03/Policy-briefing-18-recommendations-to-strengthen-the-EU-AI-Act-final.pdf.

[57] As noted above, the EU AI Act does, however, take vulnerable groups into account in multiple prohibitions in Art 5 EU AI Act.

[58] If the housing is provided by a public sector organization however, the AI system would fall into the high-risk category due to other provisions in the Annex III; for examples see: Toros/Flaming, Prioritizing Homeless Assistance Using Predictive Algorithms: An Evidence-Based Approach, CITYSCAPE 2018/20, 117.

6. Remarks on State Legislation

Alongside the federal legislation, state legislation[59], such as the "Proposed Modifications to Employment Regulations Regarding Automated-Decision Systems" by the Department of Fair Employment & Housing in California, would cover similar aspects of employment in § 11008 (d) as C. 4 of Annex III of the EU AI-Act. Nevertheless, the modifications would address discrimination more extensively than the EU AI-Act.

7. Conclusion and Recommendation

Throughout this analysis, blind spots in the scope and high-risk classification of the EU AI Act have been identified, which would be covered by the US legislation. The importance of carefully crafting the scope and classification cannot be overestimated, since it will not only affect European citizens. Due to the 'Brussels effect'[60], the European legislation may become the global standard for AI-Regulation and will determine central aspects of our daily lives. Omitting certain systems or critical sectors in the classification may be to the detriment of vulnerable groups. Hence, the European legislator should re-evaluate the proposal and avoid creating an all too casuistic approach to AI regulation.

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[59] See also Bill H 119 (192nd General Court of the Commonwealth of Massachusetts), Act No 137 (2018) und Vermont Artificial Intelligence Task Force, Final Report. See for details Dollinger, Beobachtungen aus dem Ausland: USA und Kanada, JRP 2023, 50.

[60] Bradford, A. (2020). The Brussels Effect. In The Brussels Effect. Oxford University Press. https://doi.org/10.1093/oso/9780190088583.003.0003, Greenleaf, Graham, The 'Brussels Effect' of the EU's 'AI Act' on Data Privacy Outside Europe (June 7, 2021). (2021) 171 Privacy Laws & Business International Report 1, 3-7, UNSW Law Research, Available at SSRN: https://ssrn.com/abstract=3898904.

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