



## Call for views in response to the European Commission Proposal for a directive of the European Parliament and of the Council on adapting non-contractual civil liability rules to artificial intelligence (AI Liability Directive)

On 28 September 2022 the European Commission published its [draft proposal for a directive of the European Parliament and of the Council on adapting non-contractual civil liability rules to Artificial Intelligence](#). The purpose of the AI Liability Directive proposal is to improve the functioning of the internal market by laying down uniform rules for certain aspects of non-contractual civil liability for damage caused with the involvement of AI systems. The proposal addresses the specific difficulties of proof linked with AI and ensures that justified claims are not hindered. It is part of a package of measures to support the roll-out of AI in Europe by fostering excellence and trust, and it is designed to ensure a strong regulatory environment for trustworthy, ethical AI. This package comprises three complementary work streams including the legislative proposal laying down horizontal rules on artificial intelligence systems (the AI Act), a revision of sectoral and horizontal product safety rules and EU rules to address liability issues related to AI systems.

This proposed Directive sets out:

- the subject matter and scope, clarifying that it applies to non-contractual civil law claims for damages caused by an AI system, where such claims are brought under fault-based liability regimes
- a set of Definitions, which follow those of the AI Act to ensure consistency
- to provide persons seeking compensation for damage caused by high-risk AI systems with effective means to identify potentially liable persons and relevant evidence for a claim. At the same time, such means serve to exclude falsely identified potential defendants, saving time and costs for the parties involved and reducing the case load for courts
- a targeted rebuttable presumption of causality
- a monitoring programme is established to provide the Commission with information on incidents involving AI systems
- transposition mechanisms relevant to the Directive

Some additional [background information is available on the EU Commission's website](#).

The Department of Enterprise, Trade and Employment is seeking views from stakeholders on the proposal for a Directive on adapting non-contractual civil liability rules to Artificial Intelligence. Where possible, these views should be accompanied by an explanation or evidence of the expected impact of the proposal.

Submissions should be marked “Consultation on the AI Liability Directive” and should be emailed to [digitaleconomy@enterprise.gov.ie](mailto:digitaleconomy@enterprise.gov.ie).

The deadline for submissions is close of business on 20 January 2023.

### **Publication of submissions and relevant provision of the Freedom of Information Act 2014**

The Department may publish all submissions received under this consultation on its website. However, should you submit information that you consider commercially sensitive, please identify that information in your submission and give reasons for considering it commercially sensitive. The Department will consult with you regarding such information before making any decision to publish.

Attention is drawn to the fact that information provided to the Department may be disclosed in response to a request under the Freedom of Information Act 2014. Therefore, should it be considered that any information provided by a respondent is commercially sensitive, please identify same, and specify the reason for its sensitivity. The Department will consult with interested parties regarding information identified by them as sensitive before making a decision on any Freedom of Information request.