

“AI Regulations Worldwide: Differences and Commonalities”

Marc Rotenberg, Center for AI and Digital Policy - caidp.org

Digital Humanism Summit

Vienna, Austria

4 July 2023





Center for AI and
Digital Policy

G7 AND ARTIFICIAL INTELLIGENCE

News



Photo: AP News (AP)

- [G7 calls for adoption of international technical standards for AI](#), Reuters, May 20, 2023
- [G-7 Leaders Agree to Set Up 'Hiroshima Process' to Govern AI](#): World leaders to present results of discussions by year-end; G-7 joins industry leaders in calling for more AI regulation, Bloomberg News, May 20, 2023
- [G7 leaders call for 'guardrails' on development of artificial intelligence](#), Financial Times, May 19, 2023
- [G7 leaders confirm need for governance of generative AI technology](#), Reuters, May 19, 2023

C7 Communiqué - Technology, Digital Democracy, and Human Rights

Human Rights-based Technology

- Protecting privacy is key to ensuring human dignity, safety and self-determination.
- Develop evidence-informed risk and human rights impact assessment frameworks to be used before the development, deployment, and use of artificial intelligence, including for national security purposes, and consider the impact of all new technology on human rights, civic freedoms, and democracy.
- Only secure vendors, providers and partners which have demonstrated an ethical use of technology and conduct human rights due diligence.
- Regulate AI to ensure transparency, traceability, and accuracy to safeguard against the destructive reinforcement of bias in generative AI algorithms.

Surveillance Tech, Privacy and Other Human Rights

- Establish a moratorium on the use, export, sale, and transfer of surveillance technology including facial recognition and spyware technology in international standards and national laws, until the authorities and companies responsible can demonstrate compliance
- with privacy and other human rights and absence of the discriminatory impact on civil society including protest organisers, human rights defenders, children, women, and other marginalised communities.



EU ARTIFICIAL INTELLIGENCE ACT

Recent News



Luca Bertuzzi, AI Act enters final phase of EU legislative process, Euractiv, June 14, 2023

[Key Points]

Foundation models & generative AI

- The EU lawmakers introduced a tiered approach for AI models that do not have a specific purpose, so-called General Purpose AI, with a stricter regime for foundation models, large language models on which other AI systems can be built.
- The top layer relates to generative AI like ChatGPT, for which the European Parliament wants to introduce mandatory labelling for AI-generated content and force the disclosure of training data covered by copyright.

Main changes

- The MEPs introduced several other significant changes to the text, starting with the definition of AI aligned with the one of the OECD.
- The list of prohibited practices was extended to subliminal techniques, biometric categorisation, predictive policing, internet-scraped facial recognition databases, and emotion recognition software is forbidden in law enforcement, border management, workplace and education.
- An extra layer was added for AI applications to fall in the high-risk category, whilst the list of high-risk areas and use cases were made more precise and extended in law enforcement and migration control areas. Recommender systems of prominent social media were added as high-risk.
- The obligations of high-risk AI providers concerning risk management, data governance, and technical documentation were made more prescriptive. New requirements were introduced to conduct fundamental rights impact



MEP Brando Benifei, Co-rapporteur, EU AI Act



"AI and Society," The State of the Union, European University in Florence (May 2023), Marc Rosenberg, Francisco De Abreu Duarte, Dendre Curtin, Madalina Busuioac, Sofia Ranchordas, and MEP Brando Benifei



Applications for 2023 Fall Cohort

Applications are now open for the Fall 2023 Research Group. If you are interested in participating in one of the CAIDP AI Policy Clinics, please complete [this form](#).

Applications are due May 1, 2023. Participants will be notified in June or July. Thank you for your interest!

The CAIDP AI Policy Certificate

The Center has launched a comprehensive certification program for AI Policy. The certification program is an outgrowth of the work of the **Research Group**, and includes requirements for research, writing, and policy analysis. Receipt

of the *CAIDP AI Policy Certification* requires completion of a detailed multi-part test. The subjects are: AI History, AI Issues and Institutions, AI Regulation, and Research Methods. Candidates are also required to sign a *Statement of Professional Ethics for AI Policy*. CAIDP Certificates are available for:



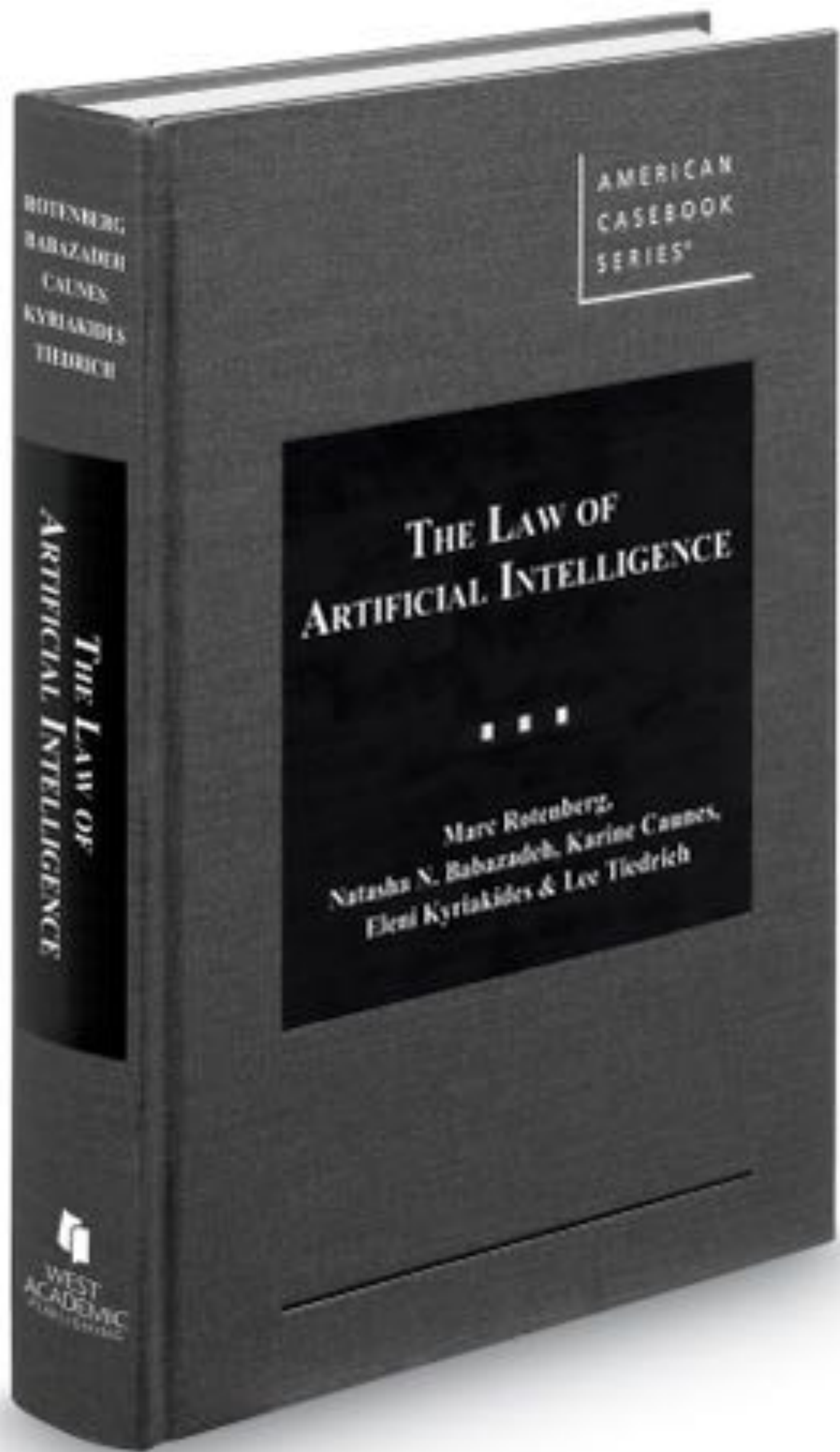
Dates, Times, and Requirements (Fall 2023)

AI Policy Clinic

- Start date: 11 September 2023
- Last meeting: 1 December 2023
- Weekly meetings (by Zoom): Mondays at 10:00 to 11:00 ET or 13:00 to 14:00 ET (Lectures), Fridays at 10:00 to 11:00 ET (Small group discussion)
- Weekly assignments
- Estimated time commitment: 6 hours / week
- Prerequisite: Completion of Application and acceptance to program
- Fees: None
- *AI Policy* certification upon successful completion

AI Policy Clinic - Advanced

- Start date: 8 September 2023
- Last meeting: 1 December 2023
- Weekly meetings (by Zoom): Mondays at 10:00 to 11:00 ET or 13:00 to 14:00 ET (Lectures), Fridays at 10:00 to 11:00 ET (Small group discussion)
- Team Leaders meeting: Fridays at 11:00 to 12:00 ET
- Weekly assignments
- Estimated time commitment: 8 hours / week
- Prerequisite: Completion of AI Policy Clinic; Completion of Application and acceptance to program
- Fees: None
- *AI Policy - Advanced* certification upon successful completion



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How are we to govern AI?

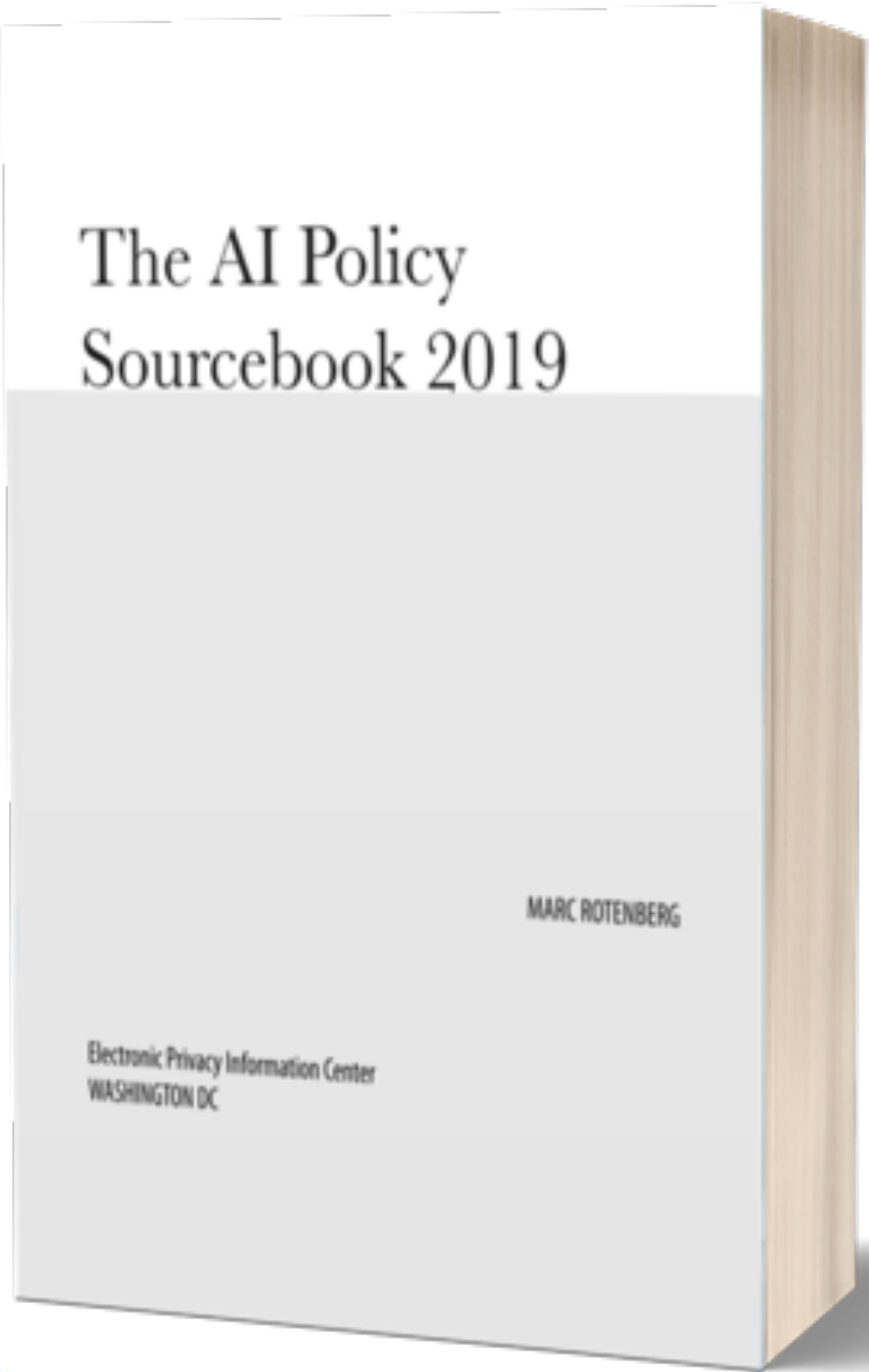


- 1) *AI and Democratic Values*
- 2) *AI and Policy Frameworks*
- 3) *AI and Fundamental Rights*
- 4) *Conclusions*



1) AI and Democratic Values





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BLOG@CACM

Time to Assess National AI Policies

By Marc Rotenberg

November 24, 2020

[Comments](#)

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The artificial intelligence (AI) ethics field is booming. According to the Council of Europe, there are [now more than 300 AI policy initiatives](#) worldwide. Professional societies such as the [ACM](#) and the [IEEE](#) have drafted frameworks, as have private companies and national governments. Many of these guidelines set out similar goals: human-centric policies, fairness, transparency, and accountability. But little effort has been made to evaluate whether national governments have taken steps to implement AI policies.

The [Center for AI and Digital Policy](#) has undertaken the first comparative review of national AI policies. Our goal is to understand the commitments that governments have made, the AI initiatives they have launched, and the policies they have established to protect fundamental rights and to safeguard the

public. Constructing the methodology for such a survey is not a simple task. A country can commit to "fairness" in AI decision-making, as many have, but to determine whether they are implementing the practice is a much harder task.

THE GOALS OF THE AI REPORT

- (1) Document AI policies and practices of countries**
- (2) Establish a methodology based on global norms for alignment with Democratic Values**
- (3) Provide a basis for comparative evaluation**
- (4) Encourage countries to ensure that AI is trustworthy and human-centric**





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ARTIFICIAL INTELLIGENCE AND DEMOCRATIC VALUES INDEX

APRIL, 2023



CENTER FOR AI AND DIGITAL POLICY
WASHINGTON, DC
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A FEW NOTES ON THE 2023 REPORT

- **Third edition**
- **300+ researchers**
- **Review AI policies in 75 countries**
- **1,265 pages, 4,400 footnotes**
- **Ratings across 12 metrics**
- **Countries are rated and ranked**

AI and Democratic Values - Metrics

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Metrics

- Q1. Has the country endorsed the OECD AI Principles?
- Q2. Is the country implementing the OECD AI Principles?
- Q3. Has the country endorsed the Universal Declaration of Human Rights?
- Q4. Is the country implementing the Universal Declaration for Human Rights?
- Q5. Has the country established a process for meaningful public participation in the development of a national AI Policy?
- Q6. Are materials about the country's AI policies and practices readily available to the public?



Q7. Does the country have an independent (agency/mechanism) for AI oversight?

Q8. Do the following goals appear in the national AI policy: “Fairness,” “Accountability,” “Transparency,” (“Rule of Law,”) (“Fundamental Rights”)? [implementation? = legal force? = enforcement?]

Q9. Has the country by law established a right to Algorithmic Transparency? [GDPR? / COE+?]

Q10. Has the country supported the Universal Guidelines for AI?

Q11. Has the country endorsed the UNESCO Recommendation on AI Ethics?

Q12: Has the country’s Data Protection Agency sponsored the 2018 GPA Resolution on AI and Ethics and the 2020 GPA Resolution on AI and Accountability?



Artificial Intelligence and Democratic Values 2021

Center for AI and Digital Policy

Korea	Y	Y	Y	Y	Y	Y	Y	Y	Y	P	Y	P	11.0
Malaysia	N	N	Y	P	N	P	P	Y	N	N	Y	N	4.5
Mexico	Y	P	Y	P	N	N	P	P	N	N	Y	Y	6.0
Netherlands	Y	P	Y	Y	N	Y	P	Y	Y	P	Y	N	8.5
Nigeria	N	P	Y	P	N	N	P	N	N	P	Y	N	4.0
Norway	Y	P	Y	Y	Y	P	Y	Y	Y	Y	Y	N	10.0
Philippines	N	P	Y	P	P	P	Y	P	P	P	Y	Y	7.5
Poland	Y	P	Y	Y	P	P	P	N	Y	N	Y	Y	8.0
Russia	Y	P	Y	N	N	Y	P	Y	P	N	Y	N	6.5
Rwanda	N	P	Y	N	P	N	P	N	N	N	Y	N	3.5
Saudi Arabia	Y	P	P	N	P	Y	P	P	N	N	Y	N	5.5
Singapore	N	P	Y	P	Y	Y	P	P	Y	N	Y	N	7.0
Slovenia	Y	P	Y	Y	Y	Y	N	P	N	N	Y	N	7.0
South Africa	N	P	Y	Y	Y	P	Y	N	Y	P	Y	N	7.5



Updated AI Index Ranks Policies and Practices in 75 Countries - Canada, Japan, Korea, and Colombia Rank at Top,

AI POLICY HIGHLIGHTS -2022

- *UNESCO AI Recommendation Implementation Begins*
- *US Puts Forward AI Bill of Rights*
- *Finish line Approached for EU AI Act*
- *Africa Union Sets Out Data Policy Framework*
- *China Advances Regulation for Data Protection, AI, and Deep Fakes*
- *Work on First Global AI Treaty at Council of Europe Continues*
- *Ukraine War Renews Focus on Autonomous Weapons*
- *Municipalities Establish AI Registries*
- *NGOs and Academics Lead AI Policy Reform Events*
- *Opposition to Facial Surveillance Remains*
- *Generative AI is Emerging AI Policy Issue*



AI and Democratic Values - Recommendations

1. National policies for AI that implement democratic values
2. Public participation in AI policymaking and robust mechanisms for independent oversight of AI systems
3. Fairness, accountability, and transparency in all AI systems
4. Apply best practices for AI systems in public sector
5. Ban facial recognition for mass surveillance
6. Curtail the deployment of lethal autonomous weapons
7. Begin implementation of the UNESCO AI Recommendation
8. Establish a comprehensive, legally binding convention for AI



2) AI Policy Frameworks





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1. Universal Guidelines for AI (2018)
2. OECD AI Principles / G20 AI Guidelines (2019)
3. UNESCO Recommendation on AI (2021)
4. Riyadh AI Call for Action Declaration (2022)
5. EU Artificial Intelligence Act (-2023)
6. COE AI Convention (-2023)



GOING DIGITAL

Making the transformation work for growth and well-being

HOME

THE PROJECT

TOPICS

Artificial intelligence

Artificial intelligence (AI) is transforming every aspect of our lives. It influences how we work and play. It promises to help solve global challenges like climate change and access to quality medical care. With these enormous benefits come real challenges for governments and citizens alike.

Learning algorithms already greet us on our digital devices, influence our purchases, govern our news feeds, and will soon drive our cars. **What sort of policy and institutional frameworks should guide AI design and use, as autonomous and self-taught machines become part of our everyday lives?**

And as it permeates economies and societies, how can we ensure that AI benefits society as a whole?



Abstract

Artificial intelligence is a game-changer. It could boost global productivity from 0.8% to 1.4% a year. But with thorny issues like job automation and data privacy, does AI-spurred growth come at a cost?



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 **Garry Kasparov**
3 hrs · 🌐

Honored to have been invited by the OECD to make this little intro video to their new expert group on artificial intelligence. Like steam power, electricity, and the Internet, AI is going to change everything in ways both small and large, and unexpected. Bringing experts together with public and private institutions for an ongoing conversation is the best way to avoid unpleasant downsides and make the most of the remarkable opportunities offered by our increasingly intelligent machines.

<https://www.oecd-forum.org/.../38969-garry-kasparov-endorses-...>
<https://youtu.be/XBtriYQzhsY>



OECD-FORUM.ORG
"A good move" for OECD on artificial intelligence
In this video, Garry Kasparov supports the new OECD expert group on...

  You and 72 others 6 Comments 4 Shares

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New OECD Artificial Intelligence Principles: Governments Agree on International Standards for Trustworthy AI

OECD member countries approve and promote principles on AI that respect human rights and democratic values.

 By **Fabienne Lang**
May 27, 2019



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OECD AI Principles (2019)

1. General, non-binding principles for human-centric, trustworthy AI (key provision on contestability)
2. Builds on other OECD policy frameworks - privacy, computer security, risk assessment
3. Incorporated in G20 AI Guidelines (2019), more than 50 countries endorsed
4. Ongoing assessment of implementation (?)





Peter Pellegrini Prime Minister of Slovak Republic (right) and Angel Gurría, Secretary-General, OECD (left) present the OECD principles on AI in Paris on May 22, 2019. Photo by OECD/Hubert Raguet



"The OECD is the right place to do this work, because the OECD, I believe, has a unique commitment to economic growth and to democratic values, and both should be at the forefront as countries develop policies in the AI field" –
Marc Rotenberg, President at EPIC & OECD Civil Society Information Society Advisory Committee.





Universal Guidelines for AI

thepublicvoice.org

A human rights framework for Artificial Intelligence



Universal Guidelines for Artificial Intelligence

23 October 2018

Brussels, Belgium

New developments in Artificial Intelligence are transforming the world, from science and industry to government administration and finance. The rise of AI decision-making also implicates fundamental rights of fairness, accountability, and transparency. Modern data analysis produces significant outcomes that have real life consequences for people in employment, housing, credit, commerce, and criminal sentencing. Many of these techniques are entirely opaque, leaving individuals unaware whether the decisions were accurate, fair, or even about them.

We propose these Universal Guidelines to inform and improve the design and use of AI. The Guidelines are intended to maximize the benefits of AI, to minimize the risk, and to ensure the protection of human rights. These Guidelines should be incorporated into ethical standards, adopted in national law and international agreements, and built into the design of systems. We state clearly that the primary responsibility for AI systems must reside with those institutions that fund, develop, and deploy these systems.



Universal Guidelines for Artificial Intelligence

1. Right to Transparency.
2. Right to Human Determination.
3. Identification Obligation.
4. Fairness Obligation.
5. Assessment and Accountability Obligation.
6. Accuracy, Reliability, and Validity Obligations.
7. Data Quality Obligation.
8. Public Safety Obligation.
9. Cybersecurity Obligation.
10. Prohibition on Secret Profiling.
11. Prohibition on Unitary Scoring.
12. Termination Obligation.



thepublicvoice.org/ai-universal-guidelines



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UNIVERSAL GUIDELINES FOR AI

RIGHT TO TRANSPARENCY

All individuals have the right to know the basis of an AI decision that concerns them. This includes access to the factors, the logic, and techniques that produced the outcome.

RIGHT TO HUMAN DETERMINATION

All individuals have the right to a final determination made by a person.

IDENTIFICATION OBLIGATION

The institution responsible for an AI system must be made known to the public.

FAIRNESS OBLIGATION

Institutions must ensure that AI systems do not reflect unfair bias or make impermissible discriminatory decisions.

ASSESSMENT AND ACCOUNTABILITY

An AI system should be deployed only after an adequate evaluation of its purpose and objectives, its benefits, as well as its risks. Institutions must be responsible for decisions made by an AI system.

ACCURACY, RELIABILITY, AND VALIDITY
Institutions must ensure the accuracy, reliability, and validity of decisions.

DATA QUALITY

Institutions must establish data provenance, and assure quality and relevance for the data input into algorithms.

PUBLIC SAFETY

Institutions must assess the public safety risks that arise from the deployment of AI systems that direct or control physical devices, and implement safety controls.

CYBERSECURITY

Institutions must secure AI systems against cybersecurity threats.

PROHIBITION ON SECRET PROFILING

No institution shall establish or maintain a secret profiling system.

PROHIBITION ON UNITARY SCORING

No national government shall establish or maintain a general-purpose score on its citizens or residents.

TERMINATION OBLIGATION

An institution that has established an AI system has an affirmative obligation to terminate the system if human control of the system is no longer possible.



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Press release

UNESCO member states adopt the first ever global agreement on the Ethics of Artificial Intelligence



UNESCO Recommendation on AI Ethics (2021)

1. Comprehensive report
2. Propose Ethical Impact Assessments and a Readiness Assessment Methodology
3. Bans social scoring and mass surveillance
4. New issues - Protecting the environment and gender equity

US Rejoins UNESCO, citing AI work (June 2023)

=> Implementation of Recommendation will be critical



GLOBAL AI SUMMIT
القمة العالمية للتكنولوجيا الاصطناعية
RIYADH | 2019



RIYADH AI CALL FOR ACTION (RAICA) DECLARATION

[DOWNLOAD NOW](#)



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Riyadh AI Call for Action Declaration (2022)

1. Close the digital divide
2. Empower underprivileged communities
3. Promote digital development
4. Ensure fairness and non-discrimination
5. Drive innovation in AI
6. Combat climate change by using AI
7. Engage in international collaboration and cooperation





EU Artificial Intelligence Act (2023)

1. Risk-based framework
2. High-risk AI applications are subject to many obligations; some AI applications will be prohibited
3. Negotiations between Parliament, Commission, and Council (the “trilogue”)
4. Completion 2023 (Spanish presidency)
5. GDPR and “Brussels Effect” (Anu Bradford)



Council of Europe and Artificial Intelligence



Council of Europe Convention on AI (2023?)

1. Started in 2019 with AI expert group.
2. Reflects the COE commitment to democratic institutions, fundamental rights, and rule of law
3. Work is now underway by COE Committee on AI.
4. Open for ratification by non-member States (US, Canada, Japan)
5. Similar to COE Privacy Convention (“108+”) and COE Cybercrime Convention



3) AI and Fundamental Rights



When do we prohibit AI?



The Challenge of Machine Learning

“In so far as a scientific statement speaks about reality, it must be falsifiable: and in so far as it is not falsifiable, it does not speak about reality.”

- Karl Popper, The Logic of Scientific Discovery





EDITORIAL

Chess, a Drosophila of reasoning

The recent world chess championship saw Magnus Carlsen defend his title against Fabiano Caruana. But it was not a contest between the two strongest chess players on the planet, only the strongest humans. Soon after I lost my rematch against IBM's Deep Blue in 1997, the short window of human-machine chess competition dimmed and faded. Unlike humans, machines keep getting faster, and today a smartphone chess app can be stronger than Deep Blue. But as we see with the AlphaZero system (see pages 1138 and 1140), machine dominance has not ended the historical role of chess as a laboratory of cognition.

Much as the *Drosophila melanogaster* fruit fly became a model organism for genetics, chess became a *Drosophila* of reasoning. In the late 19th century, Alfred Binet hoped that understanding why certain people excelled at chess would unlock secrets of human thought. Sixty years later, Alan Turing wondered if a chess-playing machine might illuminate, in the words of Herbert A. Simon, "whether this sort of ability represents an essential difference between the possibilities of the machine and the mind."

Much as airplanes don't flap their wings like birds, machines don't generate chess

moves of opening and endgame moves. AlphaZero starts out knowing only the rules of chess, with no embedded human strategies. In just a few hours, it plays more games against itself than have been recorded in human chess history. It teaches itself the best way to play, reevaluating such fundamental concepts as the relative values of the pieces. It quickly becomes strong enough to defeat the best chess-playing entities in the world, winning 28, drawing 73, and losing none in a victory over Stockfish.

I admit that I was pleased to see that AlphaZero had a dynamic, open style like my own. The conventional wisdom was that machines would approach perfection with endless dry maneuvering, usually leading to drawn games. But in my observation, AlphaZero prioritizes piece activity over material, preferring positions that in my eye looked risky and aggressive. Programs usually reflect priorities and prejudices of programmers, but because AlphaZero programs itself, I would say that its style reflects the truth. This superior understanding allowed it to outpace the world's top traditional program despite calculating far fewer positions per second. It's the embodiment of the cliché, "work smarter, not harder."

AlphaZero shows us that machines can be the experts, not merely expert tools. Ex-



Garry Kasparov is the former world chess champion and the author of *Deep Thinking: Where Machine Intelligence Ends and Human Creativity Begins*. He is chairman of the Human Rights Foundation, New York, NY 10016. kasparov@hrf.org



"...machine dominance has not ended the historical role of chess as a laboratory of cognition."

MATTHEW SADLER & NATASHA REGAN

GAME CHANGER

NEW IN CHESS



AlphaZero's Groundbreaking Chess Strategies and the Promise of AI

With a foreword by Garry Kasparov
Introduction by DeepMind CEO Demis Hassabis



Center for AI and Digital Policy

Judgment of the Court (Grand Chamber) of 21 June 2022

Ligue des droits humains ASBL v Conseil des ministres

Request for a preliminary ruling from the Cour constitutionnelle

Reference for a preliminary ruling – Processing of personal data – Passenger Name Records (PNR) – Regulation (EU) 2016/679 – Article 2(2)(d) – Scope – Directive (EU) 2016/681 – Use of PNR data of air passengers of flights operated between the European Union and third countries – Power to include data of air passengers of flights operated within the European Union – Automated processing of that data – Retention period – Fight against terrorist offences and serious crime – Validity – Charter of Fundamental Rights of the European Union – Articles 7, 8 and 21 as well as Article 52(1) – National legislation extending the application of the PNR system to other transport operations within the European Union – Freedom of movement within the European Union – Charter of Fundamental Rights – Article 45

Case C-817/19



In a bittersweet ruling, EU Court of Justice allows EU-wide border surveillance scheme but clarifies its limits



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Inside Privacy

Court of Justice of the EU Decides
that the Passenger Name Record
Directive is Compatible with EU Law

COVINGTON

The criteria must ‘target, specifically, individuals who might be reasonably suspected of involvement in terrorist offences or serious crime covered by that directive’

The PNR Directive ‘precludes the use of artificial intelligence technology in self-learning systems (‘machine learning’), capable of modifying without human intervention or review the assessment process.’ (AG)

Ligue des droits humains (The PNR case), C-817/19 (June 2022)

‘given the opacity which characterises the way in which artificial intelligence technology works, it might be impossible to understand the reason why a given program arrived at a positive match’.

**• PNR Directive Art. 6(3)(b)
• CFR, Arts. 7, 8, 21, 47**

algorithms ‘must function transparently and that the result of their application must be traceable’



CJEU PNR Decision Unplugs the 'Black Box'

Case C-817/19, Ligue des droits humains v. Conseil des Ministres [2022] ECLI:EU:C:2022:491.

*Marc Rotenberg**



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The Law of Artificial Intelligence and the Protection of Fundamental Rights: The Role of the ELI Guiding Principles

By Marc Rotenberg¹



Good AI



Rule-based Expert Systems
Explicit criteria
Fixed outcomes

Bad AI



Machine Learning Systems
Reinforcement Learning
Statistical outcomes
Generative AI



AI Prohibitions

1. Failure to comply with international human rights standards (UN OHCHR 2020)
2. Social Scoring (UNESCO 2021)
3. Mass Surveillance (UNESCO 2021)
4. Biometric categorization (?) (EU AIA)
5. Emotion recognition (?) (EU AIA)
6. Predictive policing (?) (EU AIA)
7. Generative AI and fundamental rights (??)



4) Conclusions



***Norms for the governance
of AI are rapidly emerging***



Implementation and enforcement of norms are key challenges (GDPR)



Governments must act now



DIGITAL EMPIRES



THE GLOBAL BATTLE
TO REGULATE TECHNOLOGY

ANU
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Center for AI and
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FOREIGN AFFAIRS The Race to Regulate Artificial Intelligence

The Race to Regulate Artificial Intelligence

Why Europe Has an Edge Over America and China

By [Anu Bradford](#) June 27, 2023



At an event featuring OpenAI CEO Sam Altman, Tel Aviv, Israel, June 2023

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**FILTER COFFEE
NOT PEOPLE**

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