

## STATEMENT

### Strengthening the governance framework of the EU AI Act.

The Association of Nordic Engineers, ANE<sup>1</sup>, is very pleased to acknowledge the efforts of the European Parliament in tabling more than 3000 amendments to the AI Act. Especially, ANE is delighted to see that the European Parliament IMCO-LIBE committees' amendments recognise the importance of engaging stakeholders and civil society in the governance and the implementation of the AI Act.

With this statement, ANE wants to draw attention to the fact that the mention of social partners and their involvement in the governance is almost inexistent in the current proposal, nor it is explicit in the tabled amendments. Many AI systems will directly impact workers, and their representatives should be a part of the governance framework. The role of social partners in labour relations is explicitly recognised in the EU Treaty art.152, and their voice should be heard when it comes to the implementation of the AI Act. This also means that their role should be extended beyond the usual consultation and social partners should be attributed a seat at the governance table.

Particularly, ANE wishes to stress the following:

**1. Governance framework within the organisation structure of providers.**

The requirement and obligation for the providers of AI systems and their organisational setting to put the governance structure in place is absent from the text. The governance framework with collective mechanisms of control and oversight, including the employees' and social partners' voices over decision-making throughout AI development and deployment, is crucial and needs a regulatory push to be established.

**2. Third-party conformity assessment shall include social partners**

All high-risk AI systems referred to in [article 6 \(2\)](#) and listed in [Annex III](#) should be subject to a conformity assessment by a third party, as the self-regulatory provisions can lead to significant harm. The notified bodies should consult and involve social partners when it comes to the scrutiny of the AI systems impacting workers' privacy and their working conditions.

ANE endorses the IMCO-LIBE amendment 18 to include a new recital 26b, which states that the list of high-risk AI systems "should be regularly evaluated and reviewed, subject to the appropriate involvement and consultation of stakeholders and civil society". ANE wishes to see a clear reference to social partners here. ANE also endorses the IMCO-LIBE amendment 280 to article 84, requiring relevant external stakeholders, including social partners, to be consulted for the evaluation and review of the AI Act.

**3. Systematic involvement of social partners in the design and development**

The current proposal in [article 69](#) encourages stakeholders' involvement in the design and development of AI. It is recommended to include a specific reference to social partners and ensure that

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<sup>1</sup> ANE is a regional cooperation organisation for five trade unions representing engineering & STEM professionals in the Nordics. Focus areas are responsible development of new technology and AI, sustainable development, skills and lifelong learning. For more information: [www.nordicengineers.org](http://www.nordicengineers.org)

employees' representatives are consulted in a structural and continuous manner in all stages of the design and development of AI systems, especially when they are deployed at workplaces.

#### **4. Continuous assessment of the deployed AI systems.**

The process of governing the already deployed AI systems should be included in the AI Act and be continuous and systematic. There should be a requirement for the providers of high-risk AI systems to comply with the provision under the GDPR Regulation article 35, which entails the obligation to undergo the Data Protection Impact Assessment, DPIA. The providers of the high-risk systems would also be required to review the DPIA "when there is a change of a risk in processing procedure"<sup>2</sup> and consult employees and their representatives both when the DPIA is conducted and when reviewed.

#### **5. Standard-setting with social partners**

There should be a fair representation of stakeholder interests, with no group more strongly represented than others, when developing specifications and harmonised standards for the high-risk AI systems ([article 41](#)). It is, therefore, required that social partners are included in the decision-making process and are consulted by the European Commission.

Standards should also include enforcement mechanisms and be transparent to the public.

#### **6. Social partners shall have a seat at the governance table**

It is unfortunate to notice that social partners are not explicitly mentioned in the category of "external experts and observers" in ([article 57.4](#)) to be invited to exchange views with the European Artificial Intelligence Board. The high-risk AI systems "may appreciably impact future career prospects" of the very people social partners represent, and therefore, the voices of their constituents should be heard. The social partners must be included in the process of exchanging views, whether by having a direct seat on the Board or becoming a full member of the Advisory Group to be established as a consultative body for the Board.

ANE supports the IMCO-LIBE amendments 196 and 197 to the article above with the requirement for the "Board to organise twice a year a consultation with relevant stakeholders" involving social partners and inviting them to meetings "where the issues discussed are of relevance for them".

#### **7. Establishing a redress mechanism and empowering the enforcement of the AI Act**

The current [article 62](#) of the proposal also lacks a redress mechanism for the users, be it individuals or organisations, that have suffered harm from any AI system. They must have the right to lodge an individual or a collective complaint. It should also be foreseen for employees' representatives to bring a collective action on behalf of their members. The complaint procedure could be entrusted to the Market Surveillance Authorities, MSAs, who have the investigatory function in the current governance structure of the AI Act.

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<sup>2</sup> Guidelines on Data Protection Impact Assessment: ARTICLE29 - Item (europa.eu)