

A NEW ERA? EU'S CLAIMS TO EXERT INFLUENCE IN GEOPOLITICAL COMPETITION ON AI

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After official adoption of the Regulation AI Act in March 2024, Commission President Ursula von der Leyen stated that 'The EU's AI Act is the first-ever comprehensive legal framework on Artificial Intelligence worldwide. So, this is a historic moment. The AI Act transposes European values to a new era⁽¹⁾. Thus, the emerging EU AI policy has been presented as not just another policy initiative of the Digital Decade, the EU framework towards digitalisation by 2030, but also as a defining point of European techno-politics, a new era. And the EU desires to be influential in it.

A potential of such influence has not come from vacuum. The case of AI has been built on a success story of the EU's General Data Protection Regulation (GDPR), seen as a prove that 'the EU is capable of setting rules impacting the digital economy globally⁽²⁾. This has even been titled as the 'Brussels effect' - to export EU adopted regulation to global markets⁽³⁾. No surprise that the leaders of the EU institutions have used the opportunity to claim the moment of history here presuming that being a pioneer of the AI legislation will push others to follow the lead. However, differently from GDPR which came as a novelty in 2016, AI has already been a

matter of competition where different state, international and corporate actors have been proposing their approaches and similarly aiming to influence future AI standards in preferred ways, meaning that the contest is far more complex than before.

Therefore, the EU finds itself in the geopolitics of AI and its governance. Its own response and proposal to that - the already mentioned AI Act based on the 'rights-driven approach' arguing for agreed rules, liberal democratic values, and multilateral cooperation⁽⁴⁾. By establishing different categories of risks, the AI Act suggests that we need to investigate use cases of AI: prohibit those that are unacceptable in terms of the European values and strictly monitor and regulate those that might cause harm to fundamental rights. In this way, safety, transparency, and

(1) European Commission. 2023. 'Statement by President von der Leyen on the political agreement on the EU AI Act'. Available at: https://ec.europa.eu/commission/presscorner/detail/en/statement_23_6474.

(2) Cervi, G.V. Why and How Does the EU Rule Global Digital Policy: An Empirical Analysis of EU Regulatory Influence in Data Protection Laws. *DISO* 1, 18 (2022). <https://doi.org/10.1007/s44206-022-00005-3>

(3) Bradford, Anu. 2019. *The Brussels effect. How the European Union Rules the World*. Oxford University Press.

(4) Bradford, Anu. 2023. *Digital Empires. The Global Battle to Regulate Technology*. Oxford University Press.

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trustworthiness should be guaranteed as reassurance that AI will not be employed for malicious actions against European citizens.

The outgoing European Commission will certainly place the ‘tick’ to the adoption of the AI Act as one of the major achievements in the field of digital policies during this term. However, as AI developments could be considered as ‘moving target’ due to constant improvements and new applications, the implementation phase will not be less testing. How these agreed and adopted rules will work, how introduced concepts such as human-centrism and trustworthy AI will be turned into practices, not the least - what mistakes and successes will emerge as lessons and breakthroughs. Therefore, lessons learned might become even more important arguments for influence than the adoption of the rules.

Also, temporality plays a big part in these considerations as well. When the European Commission released its initial Proposal for Regulation the AI Act back in April 2021, such a widespread accessibility of ChatGPT was not on a horizon. Though the architects of the AI Act claim that it is the future-proof piece of legislation and leaves enough room for maneuvering in the future, there is little doubt

that such claims will not be challenged by new forms and breakthroughs in AI. Therefore, resilience and adaptability might become another argument to claim EU rules and overall approach as common ground potentially attractive to others as well.

Though the EU has already received a lot of interest and aims to build digital partnerships with like-minded, the question on others following this example is not without a reason. Differing positions are already noticeable as well: for instance, despite introducing the EU-US Trade and Technology Council in 2021 to align views, visions on AI governance between the EU and the US stress different priorities. As mentioned, for the EU it is about establishing regulation on uses of AI which are required to meet European values and respect fundamental rights. Where the US remains market-flexible and focused on voluntary conducts and agreements with businesses rather than setting binding regulation. Also, the other significant difference between the two - strategic documents suggest that the US highly prioritizes the security and military matters of AI and builds its thinking on that as well. While the EU’s AI Act excludes the military element from the policy scope and places it within the field of single market. ►

► Looking ahead, this exclusion could become one of the important limitations of the EU efforts to set the tone internationally. Of course, in the case of the EU this always bounces back to the point of shared competences where military and security matters are put as exclusively disposed by member states. Therefore, the AI Act is presented as representing the given mandate to the European Commission and the legal basis of single market. However, recent practices – the European Defence Fund, the EU Defence Technological and Industrial Base and the Global Tech Panel – suggest that the ambition of geopolitical Commission also comes with more proactiveness in approaching technologies through the lens of defence and security matters as well.

Secondly, the changing international environment and the Russia's invasion to Ukraine also challenges to reconsider the role of emerging technologies including AI for security. Ukrainian experience and already evolving technological solutions in the battlefield suggest the involvement of private companies testing their applications, AI enabling role and weaponisation of dual use technologies such as drones. Therefore, The EU will inevitably be contested to come up with a more comprehensive approach towards military AI. The EU Strategic Compass for Security and Defence and the European Defence Industrial Strategy released by the European Commission suggests that the EU reacts to security challenges and discusses EU-level defence integration where technologies are also involved.

Therefore, after adopting the AI Act, the EU should consider moving from a fragmented debate towards a more articulated position on AI in the military realm. This would even

strengthen its voice internationally where advocating for respect to human rights, transparency or multilateral engagement does not seem to be opposing to more strategic views.

The current security situation in Europe brings another point of temporality where the changing international and regional environment suggests increasing relevance of emerging technologies including AI. As mentioned, the EU has been already discussing the extent of defence integration and moving beyond existing taboos that military and security is not a part of a 'mandate' of the peace project. Therefore, the decision to exclude the military realm from the AI policy scope could be

reconsidered to come up with a more comprehensive outline of issues at stake. Again, this is not completely new for the EU knowing that the European Defence Agency and Directorate-General for Defence Industry and Space have been initiating and supporting various R&D programs and instruments related to military AI. Given the dual use nature of AI, such a conversation seems to be inevitable and would bring even more openness and leverage internationally where military AI is already brought by

the US, China and even Big Tech companies. Finally, it would demonstrate readiness for this new era which unfortunately turns out to be less secure and more competitive. ■

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