

Joint industry statement on the upcoming EDPB Opinion on data processing in the context of AI model training

The undersigned industry associations welcome the EDPB initiative to organise a stakeholder event to obtain feedback on its announced opinion on data processing in the context of AI model training. Although we appreciate the initiative, given the complexity of the discussions, it remains questionable whether a fast-track opinion is the appropriate instrument for this particular matter, or whether the recourse to more extensive guidelines could have been more fit for purpose.

Having said that, we call on the EDPB to adopt a balanced, pragmatic approach that enables the development and deployment of AI “made in Europe”, while respecting Europe’s high privacy standards.

AI technologies have enormous potential, both in terms of economic benefits and in terms of enhancing Europe’s global competitiveness. However, as highlighted in “*The future of European competitiveness*” (Draghi report), the interplay between the enforcement of the General Data Protection Regulation (GDPR) and the AI Act is a source of uncertainty that could hinder the growth of AI in Europe and undermine its aspirations to lead in AI innovation.

The upcoming EDPB Opinion can determine how effectively Europe can harness the full potential of AI while ensuring the availability of AI that reflects European values.

We appreciate that the EDPB has opened up the possibility of providing feedback formally in relation to this important Opinion and would encourage the EDPB to continue to do so, especially with industry, in a more inclusive and permanent manner.

Considerations for the EDPB Opinion

To harness the potential of AI and stimulate innovation and investment, the EDPB Opinion should adopt the following approach:

1. **A clear scope** with a focus on the processing of personal data for developing and training generative AI models.
2. **A uniform application** to all controllers engaged in training generative AI models, regardless of size or nature, in alignment with the GDPR’s principles of legal certainty, non-discrimination, equal treatment and protection of data subjects.
3. **A pragmatic technology-neutral approach**, that avoids prescriptive technical steps, and instead, upholds the GDPR’s principles-based approach, allowing flexibility for controllers to achieve compliance as AI evolves rapidly.

Enabling safe AI that reflects European values

We urge the EDPB to adopt a practical and realistic approach that reflects the vast spectrum of technological realities while ensuring robust safeguards for fundamental rights. If we are to realistically address the competitiveness concerns of the Draghi report, while ensuring the development and adoption of AI “made in Europe”, we will need to ensure access to substantial amounts of high-quality European data.

Sufficient access to data is also crucial for bias mitigation and for improved representativeness of AI systems. A flexible regulatory framework that does not impose unjustified barriers to data access is a prerequisite to innovation that reflects European values.

The undersigned trade associations/industry representatives look forward to constructive discussions during the upcoming stakeholders' event and remain committed to collaborating towards a future where AI can thrive in Europe.

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