



Европейски парламент Parlamento Europeo Evropský parlament Europa-Parlamentet Europäisches Parlament  
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Europski parlament Parlamento europeo Eiropas Parlaments Europos Parlamentas Európai Parlament  
Parlament Ewropew Europees Parlement Parlament Europejski Parlamento Europeu Parlamentul European  
Európsky parlament Evropski parlament Euroopan parlamentti Europaparlamentet

## General Questionnaire

### CIVIL LAW RULES ON ROBOTICS

#### \* Section 2. Liability

*The use of autonomous machines in our society is linked to inherent potential risks. A robot's behaviour may have civil law implications, both in terms of contractual and of non-contractual liability. The liability rules are central as regards attribution of rights and duties, including liability for damages.*

**1. Please indicate whether you agree or disagree with the following statement ‘The current EU regulatory framework on liability is sufficient to address new developments in robotics and AI’ (multiple choices are possible)**

- ☒ I totally agree, no modifications/amendments are necessary to the current liability rules
- ☐ I somewhat agree, however some modifications/amendment are necessary to the current rules on non-contractual liability
- ☐ I somewhat agree, however some modifications/amendment are necessary to the current rules on contractual liability
- ☐ I somewhat agree, however in addition to the current legally binding rules, the EU needs to adopt non-legislative instruments such as guidelines and codes of conduct specifically related to robotics and AI
- ☐ I totally disagree, major modifications to the current liability framework are necessary
- ☐ I do not think liability issues are important
- ☐ I do not know
- ☐ Other (please specify/free text)

**2. Do you agree with the following statement ‘Robots should have a specific legal status’?**

- |   |   |
|---|---|
| <input type="checkbox"/> Strongly agree | <input type="checkbox"/> Somewhat disagree            |
| <input type="checkbox"/> Somewhat agree | <input checked="" type="checkbox"/> Strongly disagree |
| <input type="checkbox"/> Neutral        | <input type="checkbox"/> I do not know                |
|   | <input type="checkbox"/> Other (explain/ free text)   |

**3. Please indicate to what extent you agree or disagree with the each of the following statements related to the type of legal status robots should have:**

		Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	I do not know
3.1	Robots should be regarded as natural persons (i.e. humans).					<input checked="" type="checkbox"/>	

3.2	Robots should be regarded as legal persons (i.e. companies).					<input checked="" type="checkbox"/>	
3.3	Robots should be regarded as animals or objects.						<input checked="" type="checkbox"/>
3.4	A new category should be created, with its own specific features and implications as regards attribution of rights and duties, including liability for damages.					<input checked="" type="checkbox"/>	

Please add 'other' choice(s) if you consider it necessary or provide additional explanation on the choice(s) selected above

**4. Please indicate to what extent you support or oppose each of the following statements related to the allocation of risks related to the use of autonomous robots:**

		Strongly support	Support	Neutral	Oppose	Strongly oppose	I do not know
4.1	Strict liability for manufacturers			<input checked="" type="checkbox"/>			
4.2	Strict liability for owners			<input checked="" type="checkbox"/>			
4.3	Strict liability for users			<input checked="" type="checkbox"/>			

Please add 'other' choice(s) if you consider it necessary or provide additional explanation on the choice(s) selected above

N/A

**5. Please indicate your opinion regarding which issues related to the regulation of liability and damages require the most urgent intervention at EU level:**

- ☐ contractual liability of machine-to-machine contracts
- ☐ non-contractual liability as specifically applies to robotics and AI
- ☒ no intervention is necessary
- ☐ other (please explain/free text)

**6. Please indicate to what extent you support or oppose the establishment of an obligatory insurance scheme for damages caused by autonomous robots:**

- ☐ strongly support
- ☐ support
- ☐ neutral
- ☐ oppose
- ☒ strongly oppose
- ☐ I do not know

**7. Please provide suggestions as to what should be the scope of the coverage of this insurance scheme, i.e. what risks it should cover: (optional question)**

Please see answer to question 9.

**8. Please indicate to what extent you support or oppose the establishment of a compulsory insurance and compensation fund (if support Q 8)**

- ☐ strongly support
- ☐ support
- ☐ neutral
- ☐ oppose
- ☒ strongly oppose
- ☐ I do not know

**9. Please provide suggestions as to how this compulsory insurance scheme should be operated:**

Insurance Europe does not support a compulsory insurance scheme for robotics.

Compulsory insurance only works in specific cases and when certain market pre-conditions are met; such as the availability of sufficient claims data, a high level of standardisation and plentiful insurance capacity to manage risks and cover claims. This is not the case for robotics.

In addition, the different technological innovations falling under the broader category of “robotics” present different risks and raise different liability issues. Because of these differences, a single regulatory approach to all such emerging technologies would not work.

Instead of boosting the insurance market, a compulsory insurance scheme would likely lead to a less dynamic insurance market and high premiums. This is because an obligation to insure new risks without sufficient information and data would oblige insurers to factor into their premiums the uncertainty around future claims. This could in turn deter producers of innovative, emerging technologies from placing their products on the market.

In addition, Insurance Europe strongly advises against introducing funds as a complementary mechanism to insurance. Such funds can introduce moral hazard; a situation in which producers feel less responsible for potential accidents caused by their products because the fund is financed either by taxpayers (for state-owned funds) or jointly by the producers (for funds capitalised by sectoral levies). This situation could lead to producers lowering their safety standards.

On the other hand, insurance can incentivize producers to ensure their products are safe and fit for use, lowering the risk exposure factored into their premiums. In addition, insurance offers several public policy advantages over a compensation fund, including: risk-based premiums to ensure claims can be sufficiently covered; skilled expertise that facilitates the swift payment of claims; and legal solvency obligations to avoid undercapitalization.

**10. Should you have further observations about liability issues please share your experience or suggestions here:**

Insurance Europe stresses that there should not be a single regulatory approach to emerging technologies.

Not all emerging technologies – nor robots – are the same. Different technological innovations, even within the same area, present very different risks and raise different liability issues. Robots can vary a lot in features and their use determines their level of risk.

In any discussions on liability and insurance of emerging technologies, policymakers must take into account existing and applicable European and

national legislation to avoid overlapping legislation.