How should the innovation principle be interpreted and applied in Europe?

The Innovation Principle – Developing an Innovation Friendly Legislative Culture
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The Better Regulation toolkit (Tool 21) requires that the impact of a proposal on ‘innovation’ should be expressly considered.

Although ‘innovation’ is not defined, the focus on ‘innovation friendliness’ indicates that the entire thrust of the Tool assumes that innovation is something positive, desirable and something which the EU wishes to encourage and nurture.
Structure of talk

1. Is innovation something to be embraced wholesale?

2. In what ways might innovation be undesirable?

3. The importance of attending the other regarding effects of innovation

4. What implications for our understanding of the innovation principle in Europe?
Our romantic fixation with innovation

Innovation as a outpouring of human creativity

But motives, outputs and effects may not be wholly positive
‘Exploitative’ innovation for private gain

Malign motives and goals
‘Exploitative’ innovation for private gain

“AI snake oil” (A. Narahyan 2019)
Assessing personality and job suitability from 30 second video
Unintended effects (on others, and society)
Impact of digital innovation on fundamental rights and freedoms?
Redistribution of social benefits and burdens

Driver in first container truck leading 3* driverless trucks

Lead vehicle linked to the platoon via wireless communications

Coupling and de-coupling to allow other road users to cross between platoon vehicles

Incorporates vehicle detection, anti-collision and lateral control technologies for safety
Even innovation that appears clearly beneficial and welfare-enhancing may not be an unvarnished good.
Functionally equivalent?
Functionally equivalent?
Implications for the ‘innovation’ principle?

We cannot assume that all innovations are unequivocally socially desirable.

- Malign or exploitative motives
- Adverse effects on others and the environment

Appropriate to praise the creativity and the willingness of innovators to take self-regarding risks, we must ALSO consider the effects (both beneficial and adverse) of innovation on others.
Implications for the ‘innovation’ principle?

For digital innovation, consider:

- the capacity to scale, very rapidly
- enhanced efficiency, scale, speed and convenience, but at what cost: esp pervasive surveillance and personal data processing

Hence consultation of those potentially affected by technological innovation, and *not only the impact on innovators*, of vital importance
Implications for the ‘innovation’ principle

For potentially controversial technological applications, especially those which entail the use of biometrics, open public debate, discussion and transparency is essential.
Europe rightly encourages technological innovations that seek to addressing grand societal challenges, highlighting the need to direct our attention and expertise towards addressing them.

But the ‘innovation principle’ currently focuses on innovation as a process, and as an end in itself, irrespective of the social purposes of the innovation.

Not ‘innovation at any price’ but a principle of ‘responsible’ innovation, particularly when aimed at responding to grand societal challenges.

On that basis, Europe might then nurture the best conditions for socially beneficial innovation to flourish.