

RECONNECT CHINA

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AI and Technical Standardization in China and the EU: Diverging priorities and the need for common ground

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Executive summary:

Given the highly disruptive potential of AI, global cooperation on AI safety and governance is imperative, and yet the deeply transformational potential of AI also ensures that a high level of competition and systemic rivalry is likely unavoidable. How can the EU best manage its complex relationship with China in the field of AI so as to ensure a necessary level of cooperation in spite of competition and rivalry?

This Policy Brief offers insights from the field of technical standardization for AI. Technical standards are crucial for defining the parameters of AI systems, from basic reference architectures to security and ethics requirements to the technical functioning of specific applications in a wide diversity of fields including healthcare, education, advanced manufacturing, energy, and agriculture. In their efforts to harness and channel the development of AI, both China and the EU have turned to technical standard setting as a means to mitigate risks and achieve broad political goals.

The EU's AI Act has placed technical standards at the heart of the AI governance conversation by aiming for the development of European "harmonized standards" around risk criteria that AI systems and products must meet in order to comply with EU regulations. China meanwhile has aimed to establish itself as a global leader in AI standardization and is

working to balance two, often competing priorities of ensuring control while facilitating innovation and boosting competitiveness. The EU and China seem to be at odds, and yet, common standards are needed to ensure space at the foundational, technical level for necessary cooperation on AI safety and governance and to avoid a more structural slide into de-coupling.

Policy recommendations:

Ensuring a baseline of synergy on technical standards requires that Europe and China, but also key global partners starting with the United States, come to a common understanding at two levels, as further explored below:

Standard-setting at the domestic level:

- *The parameters and red lines of domestic standards participation by foreign entities in the AI domain in China, in the EU and elsewhere must be clarified.*

Standard-setting at the international level:

- *International standardization of AI should be channeled toward established forums such as the ISO/IEC.*
- *Greater synergies on AI and standardization between the EU and its key partners, notably the United States, must be prioritized.*
- *The rules meant to shield technical standards development from malign influence must be reinforced and respected.*

INTRODUCTION

Artificial Intelligence (AI) is rapidly emerging as a transformational technology with potentially profound, disruptive impacts on society in the years to come. From use in practical applications such as healthcare, autonomous vehicles and automated manufacturing to the promise of generative AI to foster major scientific breakthroughs, AI represents at once a wealth of opportunities and profound risks.¹ Such risks range from structural bias and discrimination to infringements of privacy to a polarization of opinion to broader threats for safety and security. Running in parallel with major changes in the international system, not least of which has been China's rise, the quest for leadership in AI is now intertwined with the restructuring of the balance of power, heightening concerns that geopolitical competition will marginalize efforts to effectively mitigate risk and develop a truly human-centered AI. Indeed, AI is a field where the broad re-conceptualization of China by the European Union (EU) as at once a partner, a competitor and a systemic rival takes on particular salience. The disruptive potential of AI is so great that the development of a common, global framework for understanding and minimizing risk is imperative. Indeed, AI is emerging as a general purpose technology with worldwide application, meaning that managing associated risks can only be done effectively if it is done globally. And yet, the economic rewards of AI dictate that competition will be fierce, while deep divergences in political systems and growing international strategic competition ensure that a level of systemic rivalry is in all likelihood unavoidable.

How can the EU best manage its complex relationship with China in the field of AI so as to ensure a necessary level of cooperation in spite of competition and rivalry? This Policy Brief offers insights from the field of technical standards for AI. In their efforts to harness and channel the development of AI, both China and the EU have turned to the development of technical standards as a means to mitigate risks and achieve broad political goals. More than a benign, neutral field of defining technical parameters, standard setting particularly in emerging, high impact sectors such as AI are inherently political and the level of competition therefore significant. And yet, the importance of developing common standards for general purpose technologies ensures that standardization

remains an essential field of cooperation despite growing geopolitical frictions.

WHAT ARE TECHNICAL STANDARDS AND WHY ARE THEY IMPORTANT

Technical standards, in broad terms, are documents that define requirements, specifications, guidelines or characteristics that can be applied to materials, products, processes and services to ensure that they are fit for purpose. In the field of AI, technical standards are required for establishing common parameters across a broad range. These include foundation standards around the basic definition of terms and concepts and the reference architectures on which AI systems are built. They also include functioning of platforms around big data or cloud computing, the description of parameters around algorithms for specific purposes such as healthcare applications, facial recognition or natural language detection, the definition of security specifications of AI applications, or the establishment of acceptable practices around issues such as privacy protection. More so than in standards that fix the size and shape of an electric socket, the width of railway gauges or the length and width of sheet of paper, the standards that define AI technologies and concepts such as "trustworthy AI" also reflect the underlying value judgements, political prerogatives and cultural sensitivities of those who establish them.

To be sure, defining technical standards can carry significant benefits for improving the quality, security, safety and sustainability of the products and processes they relate to. They can also catalyze innovation, ensure technological interoperability among products and across markets and broadly boost the prospects of economic growth and development. At the same time, however, standards can produce technological path dependency and lock-in effects, particularly when defining broad structural parameters such as reference architectures.² By extension, they can produce market fragmentation when different markets become locked into different, incompatible standardized technology ecosystems. Gaining first-mover advantage and ensuring a broad adoption of technical standards can ultimately shape the development pathways for technology and associated markets. As such, the economic stakes in defining standards are also highly significant. As a robust set of common global standards in the field of AI have yet to be

agreed upon, the stakes for standards leadership are particularly high and competition likely to be fierce.

FROM VOLUNTARY STANDARDS TO A BASIS FOR AI GOVERNANCE

Traditionally, the work of technical standards development is largely done by consensus among technical experts and academics in the applied field, for instance in the case of 3G, 4G and now 5G telecommunications, or imposed by sheer force of market dominance by a particular industrial player, for instance in the case of Microsoft and personal computing systems. It is distinct from political documents setting out rules, guidelines, roadmaps and regulations, which are driven by governments and policymakers. Technical standards are therefore almost always voluntary in nature. Lock-in effects typically form when standards gain wide-spread adoption, either through de-jure or de-facto means, making the use of an alternative standard economically unattractive or even technically unviable.

Yet, in the field of AI in particular, where a solid governance framework has yet to be agreed upon, technical standards are increasingly called upon to play important regulatory and governance roles. This is particularly the case in Europe. Following the passage of the EU's AI Act, the bloc's independent standards development organizations (SDOs), namely CEN and CENELEC, as well as ETSI, which are membership-based organizations composed largely of private firms and related engineers, have been called upon to draft specific technical standards that could be used in assessing the regulatory compliance of AI products and systems, particularly in relation to the risk profiles laid out in the legislation.³ In practical terms, such a move is meant to ensure the applicability of the AI Act by clarifying technical parameters. It is also thought that by defining standards that will determine access to the EU's common market (known as "harmonized standards"), Europe can capitalize on the "Brussels effect" to shape the direction of AI development. In other words, the goal is to establish governance principles for AI that are conceived in the EU, uphold European norms and values, and are based on technical standards defined by a European technological ecosystem that will be used to determine whether AI products comply with EU laws and regulations. In doing

so, the EU has essentially inserted standard setting into the heart of the global AI governance conversation, underlining that the benign world of standardization is in fact highly political.⁴

CHINA'S LOFTY GOALS AND COMPETING PRIORITIES

Technical standards have been a core feature of China's strategy to establish itself as a global leader in the field of AI. Coming on the heels of State Council's 2017 New Generation Artificial Intelligence Development Plan, which set ambitious goals for China to become the world's "major AI innovation center" by 2030,⁵ the first Artificial Intelligence Standardization White Paper was published by the China Electronics Standardization Institute (CESI) the following January.⁶ An organ of the Ministry of Industry and Information Technology (MIIT), CESI noted in its analysis the need to streamline the coordination of what to then had been consequential but disparate work on AI standardization both in China and globally. In its assessment, international standards work in the field was "still in its infancy, and a complete system of standards has yet to take shape. With China and the rest of the world basically on the same starting line, a window of opportunity exists for breakthroughs. As long as we take aim at that opportunity and deploy rapidly, it will be entirely possible to seize the commanding heights of standards innovation".⁷ Such sentiment largely echoes broader assessments made by PRC elites and President Xi Jinping himself regarding the unique "period of historical opportunity" that China finds itself in, with fundamental geopolitical shifts coinciding with rapid technological transformations such as AI being part of what Xi has coined as "great changes unseen in a Century" on which China must capitalize in order to (re-)establish itself as a dominant global power.⁸

Since 2017, China's work in the field of AI, and within the AI standardization space in particular, has largely sought to support these lofty global ambitions while balancing two, often competing priorities of 1) ensuring control while 2) facilitating innovation and boosting competitiveness. On the one hand, the maintenance of political stability and Party-state control in the face of a rapidly emerging, potentially destabilizing technology led to a series of far-reaching regulatory moves in 2022 and

2023, particularly around generative AI. On the other hand, Beijing has sought to harness AI's innovative power to drive a new wave of productivity (part of what is now termed as “new quality productive forces”⁹) and economic competitiveness for Chinese firms. Many have posited that Beijing's regulatory approach around issues such as content moderation, data protection and ethical concerns may well prove to be a major obstacle to innovation and ultimately constrain the industry's development in China.¹⁰ Yet, others have observed through an analysis of the application of recent AI legislation that Beijing has thus far preferred an approach of strategic leniency on Chinese AI industry in order to foster innovation and provide firms with a short-term competitive advantage over global competitors.¹¹ Some fear that this trend may well lead to potential regulatory lags and translate into AI-related “accidents and even disasters”, ultimately underscoring the need for greater international dialogue and cooperation around AI safety and governance.¹²

CHINA'S BALANCING OF THE STATE AND THE MARKET

In the technical standardization space, this balancing of priorities is reflected in the shifting nature of relations between the state and enterprises. In the first instance, developing and setting technical standards in China is tightly linked with policymaking. The Standardization Administration of China (SAC), which functions as the coordinating and convening body for national standardization and represents Chinese participation in international standards forums, today sits within the State Administration for Market Regulation (SAMR), an organ of the State Council. Depending on the sector, dedicated ministries also participate directly in standards development. In the field of AI, the CESI, under the auspices of the MIIT, functions as the secretariat for Technical Committees TC260 on cybersecurity and TC28 on information technology, both tasked with developing standards in the field of AI. This contrasts markedly with counterparts in Europe, both at the national (for instance DIN in Germany or AFNOR in France) and European level (CEN, CENELEC and ETSI), which are in effect private, non-profit institutions organized around private sector membership. Government oversight and coordination of

the standardization process in China effectively ensures that the political sensitivities and priorities of the Party-state are integrated into the technical standards themselves. A case in point, the standard for basic security requirements for generative AI proposed within TC260 identifies violations of the 12 “core socialist values” as a major security risk in training data and generated content.¹³

Nevertheless, as Junhua Zhu has demonstrated, China's standardization work on AI may be state-guided, but it is enterprise-led.¹⁴ Indeed, following a 2017 revision of the National Standardization Law, China has sought to make space for market-driven standards, creating for instance a new category of “association standards” that effectively allow industry and private enterprise to engage in standardization work through independent associations, much as they do in the United States, where private industry associations often compete with each other to develop the technical standards that will define products and markets. While this development was met with fierce resistance from the state bureaucracy, China's standardization strategy published by the Central Committee of the Communist Party and the State Council in 2021 effectively reinforced the role of market players.¹⁵ As Zhu explains, while CESI plays a coordinating role within TC260 and TC28, the drafting of standards within various working groups is largely carried out by academics and industry players. Moreover, China's broader AI industrial ecosystem of both a range of small and medium-sized enterprises (SMEs) and large companies such as Baidu, Alibaba, Tencent or Huawei, referred to as the “national AI team”, drive forward de-facto standardization.¹⁶

The overarching goal in giving greater space for researchers and industry to engage independently in technical standardization work is to facilitate innovation, technological progress and industrial competitiveness. By contrast, top-down, policy-driven standardization can rather constrain innovation and handicap industry, ultimately undermining China's development in the field. To this effect, in July 2024 the MIIT led the publication with three other ministries, including the SAC, of new guidelines for fostering the country's AI standards

ecosystem with a core objective of driving “high-quality development for the sector”.¹⁷ In particular, the guidelines set an ambitious goal of defining 50 core standards across China’s AI ecosystem by 2026, spanning

a broad range of general purpose, basic support, key technology and industrial applications (see figure below). The standards will be proffered by over 1,000 Chinese companies in the field.

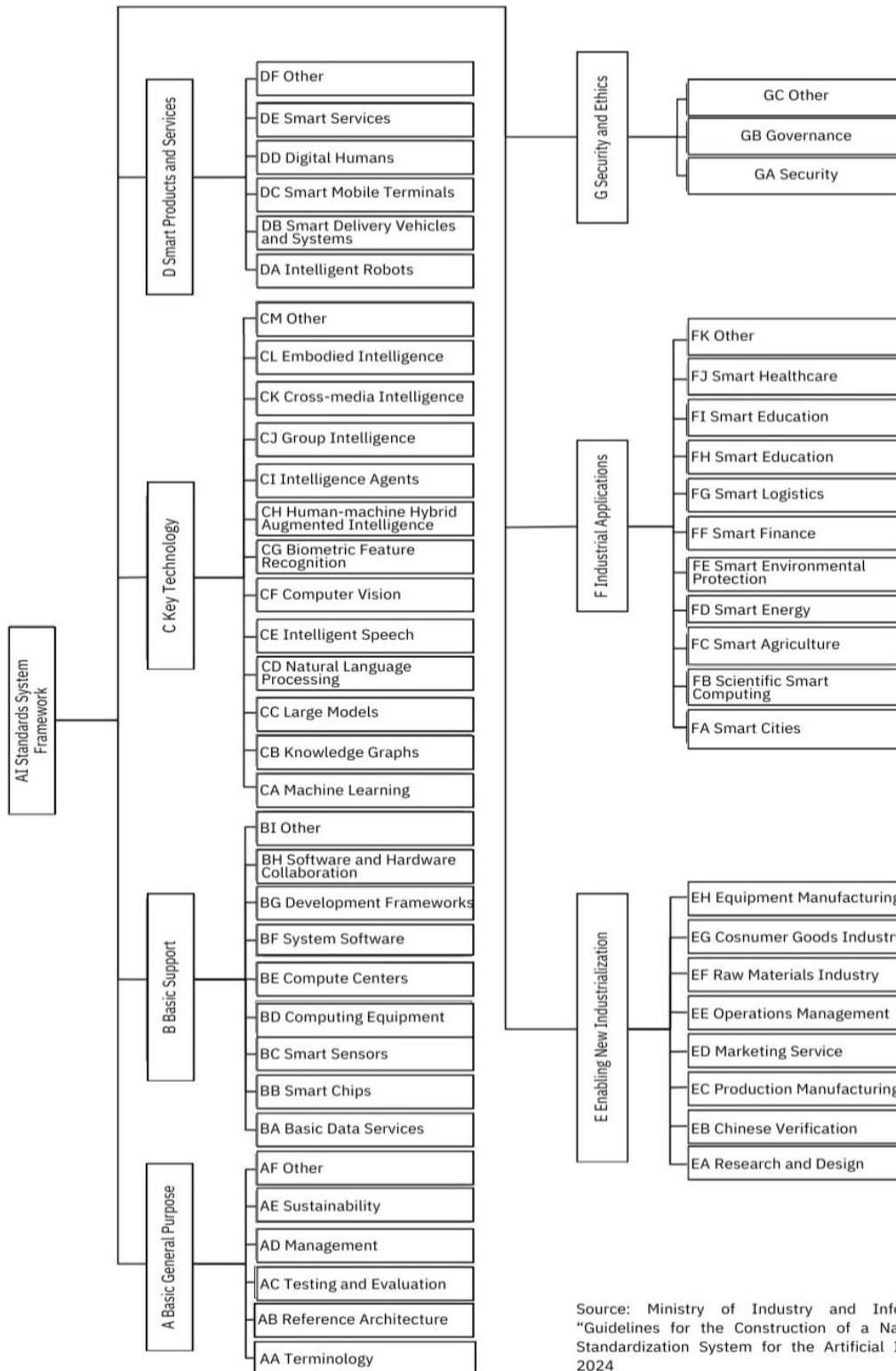


Figure 1. AI Standards System Framework

Source: Ministry of Industry and Information Technology, “Guidelines for the Construction of a National Comprehensive Standardization System for the Artificial Intelligence Industry”, 2024

CAN EUROPE BOTH DE-RISK AND COOPERATE WITH CHINA IN TECHNICAL STANDARDS FOR AI?

China's state-guided, enterprise-led approach to technical standardization in AI underscores the dimensions of systemic rivalry and competition that have come, together with cooperation, to characterize the tryptic nature of Europe's relations with the PRC and have guided the EU's de-risking approach. As Tim Rühligh has explained, the process of technical standardization in high-tech fields such as AI is woven into four distinct, but overlapping risk profiles that the EU must account for in its relations with China: 1) risks to global supply chain resilience; 2) risks to national security; 3) risks to normative aspirations, and; 4) risks to competitiveness.¹⁸

The guiding role of Chinese government in the technical standardization process ensures that the political affinities of China's Party-state will necessarily be reflected in the technical aspects that define AI systems and products. Questions swirling around censorship and state control and clashing political values related to democracy, Human Rights and the rule of law, as well as hardening geopolitical rivalry and growing concerns around the synergies between AI technologies and national security, will necessarily limit the space for cooperation with China. And indeed, China has sought to forge its own path on AI leadership, choosing for instance to unveil its new Global AI Governance Initiative (GAIGI) on the occasion of the third Belt and Road Forum for International Cooperation held in Beijing in October 2023¹⁹ – the Belt and Road Initiative (BRI) being widely considered as an effort to steer the international system toward a more China-centered global order.²⁰ As AI further stands to transform economies, questions around competition, dependence and resilience only complicate matters further. To be sure, China aims to foster the growth of its AI industry and leverage innovations in this space as a springboard to global technological leadership. Meanwhile, Europe is scrambling to ensure a degree of competitiveness in the new economy while limiting technological dependencies and bolstering resilience. The scope for cooperation with China in such an environment appears limited.

At the same time, the need for a common, global understanding of the risks of AI and concerted cooperation in confronting them has never been greater. There are clear indications that the leadership in Beijing, at the urging of China's scientific community, is increasingly preoccupied by AI safety and inclined to pursue a degree of dialogue and cooperation in this area²¹ – as witnessed by China's participation in the AI Safety Summit organized by the UK in November 2023, in which China agreed together with 28 countries including the US and European partners to advance cooperation in addressing "frontier AI risk".²²

Setting global standards for AI will not be immune from, but will rather reflect these tensions between partnership, competition and rivalry. That technical standard setting has now been drawn into the conversation on AI governance and risk mitigation presents a danger of fragmentation of AI governance frameworks. Indeed, the lock-in effects inherent in technical standards can also mean the development of separate technological ecosystems based on different technical parameters that will greatly hamper connectivity and interoperability across markets and societies. A divergence on technical standards as such could translate into a broad-based de-coupling on AI moving forward.

In its choice to pursue a path of de-risking, however, the EU has opted for a more moderate path. It is one that will ultimately require clarity with regard to how China relates to risk profiles in the AI space and what forms of interaction and eventual cooperation correspond to red-light, yellow-light or green-light domains. It is also one that will require the assurance of more functional synergies at the level of technical standards in order to avoid structural fragmentation that will lead to de-coupling. In effect, collaborative work within the technical standardization space also presents an opportunity to arbitrate differences on more technical, rather than simply political grounds.

PRESSING RULES-BASED STANDARDS COOPERATION IN CHINA AND GLOBALLY

Developing more functional synergies on technical standards requires that Europe and China come to a common understanding at both the national/European and international levels of standards development.

- SEEKING RECIPROcity IN STANDARDS PARTICIPATION IN CHINA AND EUROPE

First, the participation of foreign-invested enterprises in AI standard-setting forums in China and Europe is a delicate matter. In China, the development of technical standards is formally open to participation by foreign-invested enterprises. The 2020 revision of China's Foreign Investment Law (Article 15), for instance, explicitly broadened the window for foreign companies to engage in the development of technical standards working groups and technical committees in China. In practice, however, European companies have encountered a great number of functional barriers to participation, particularly in strategic sectors. These include the persistence of formal barriers, informal rules that restrict voting rights, restricted access to information as well as to technical leadership positions, high participation fees, hidden political agendas and a lack of protection for intellectual property.²³

While Chinese firms registered in Europe enjoy comparatively greater access to technical standardization in the EU, AI has proved to be a notable point of friction. Indeed, in the European Commission's mandate for European SDOs to conceive of harmonized standards for the AI Act, the role of ETSI was relegated to one of an observer on the grounds that it was too heavily influenced by "non-European players", understood as Chinese firms such as Huawei or American companies such as Microsoft.²⁴ Both China and the EU should work to clarify the parameters and red lines of domestic standards participation in the AI domain and the EU should strive for reciprocity from China on this matter.

- BOLSTER RULES-BASED STANDARDIZATION IN INTERNATIONAL FORA

Technical standardization at the international level has been an area where cooperation is more straightforward, but even here tensions have emerged in recent years. Importantly, the State Council's overarching 2021 strategy for technical standards not only sought to improve China's domestic standards environment, but underlined the importance of engagement with international standards development across the board – a domain where China's participation has been growing markedly for more than a decade.²⁵

Work on AI standards has actively taken place within the International Organization of Standardization (ISO) and the International Electrotechnical Committee (IEC), both non-governmental bodies, through the joint technical committee JTC 1/SC 42 established in 2017. While China has now become one of six permanent members of the ISO and currently boasts one of the highest levels of participation across the organization's various work streams, with 769 participating members and 86 secretariat positions, Chinese participants today hold no secretariat posts in SC42's five working groups (WGs) on AI and only one convenor position in WG5 – Computational Processes and Computational Approaches to AI.²⁶ Its participation remains nonetheless active and constructive.

More problematic for Europe has been the shift in China's international AI standards work outside the ISO/IEC framework. Likely due in part to China's lack of influence within this organization, Chinese presence has grown in other forums, namely the standardization branch of the International Telecommunication Union (ITU-T), a UN organization. China's presence in the ITU-T's work on AI standards has been dominant. Work by Marta Cantero Gamito, for instance, demonstrates the extent of China's presence, where in one work stream (Q5/16 dealing with AI-enabled multimedia applications), chairmanship of the study group 16 is not only held by a Chinese national, Noah Luo, an expert from Huawei, but 100% of the rapporteurs in the Q5/16 are also Chinese nationals.²⁷ Indeed, Europe and the United States had long divested from the ITU-T, favoring either the ISO/IEC system or US-

based industry associations, until a group of Chinese entities led by Huawei famously proposed standardization work in 2020 around the “New IP” concept that would have shifted conversations around internet governance toward the UN body. Western powers have since reinvested in the ITU, notably with American national Doreen Bogdan-Martin being voted in as Secretary General beginning in 2023, succeeding Houlin Zhao, a Chinese national who had previously served two terms in the post.

As China faces further pressure in the international AI standards space in addition to the full-court press that is being applied to China’s development of AI more generally, it would not be unexpected for Beijing to develop alternative international standards forums, for instance through the BRI or through an internationalization of its own industry association frameworks.

Ultimately, the EU should not discourage China’s participation in international standardization through tried and tested channels, be it at the ISO/IEC or the ITU, but rather encourage it. Europe should simultaneously invest in organizations such as the ITU where Europeans have lost presence and influence and improve coordination with like-minded partners across the

international technical standards field. Finally, and perhaps most importantly, Europe must work to ensure that the tried and tested rules of international SDOs be upheld, as they are a front-line bulwark against malign influence, be it from a political actor or a dominant industry player. While not panaceas to influence, the procedures set out by the WTO rules on technical barriers to trade, as well as EU regulations such as 1025/2012 and 2022/2480, namely transparency of process, openness of participation, consensus in and impartiality of decision-making, emphasis on the voluntary nature of standards, fair access to standards (particularly when concerning patented technologies), and the primacy of effectiveness and relevance of the adopted standards themselves. As geopolitical pressures increasingly act to fragment the field of AI, sticking to the rules of standards collaboration will help to ensure that Europe can effectively de-risk without completely decoupling from China in this area.

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