Artificial Intelligence, Regulation and Journalism

A PRAGMATIC APPROACH

HELENA SOUSA, 6 MARCH 2025

ERC
ENTIDADE REGULADORA
PARA A COMUNICAÇÃO SOCIAL

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ACCORDING TO OECD, *MEDIA*, *TELECOMS* AND *IT SERVICES* ARE LEADING INDUSTRIES IN AI INTENSITY

CALVINO, F. ET AL (2024), *A SECTORAL TAXONOMY OF AI INTENSITY*, OECD ARTIFICIAL INTELLIGENCE PAPERS, NO. 30, OECD PUBLISHING, PARIS

Legend: ☐ Bottom quartile   ☐ 2nd quartile   ☐ 3rd quartile   ☐ Top quartile

Industry (A38)	AI human capital	AI innovation	AI exposure (barrier-adjusted)	AI use
10-12 Food products	Bottom	Bottom	Bottom	Bottom
13-15 Textiles & apparel	Bottom	Bottom	Bottom	Bottom
16-18 Wood & paper	Bottom	Bottom	Bottom	Bottom
20 Chemicals	2nd	Bottom	2nd	3rd
21 Pharmaceuticals	Top	Bottom	3rd	3rd
22-23 Rubber, plastics, minerals	2nd	Bottom	Bottom	Bottom
24-25 Metal products	Bottom	Bottom	Bottom	Bottom
26 Computer & electronics	Top	Top	Top	3rd
27 Electrical equipment	3rd	Bottom	2nd	2nd
28 Machinery & equipment	3rd	2nd	Bottom	3rd
29-30 Transport equipment	3rd	2nd	Bottom	3rd
31-33 Other manufactures	2nd	2nd	Bottom	Bottom
41-43 Construction	Bottom	2nd	Bottom	Bottom
45-47 Wholesale & retail	2nd	Bottom	3rd	2nd
49-53 Transportation & storage	2nd	Top	Bottom	Bottom
55-56 Hotels & food services	Bottom	3rd	Bottom	Bottom
58-60 Media	Top	Top	Top	Top
61 Telecommunications	Top	Top	Top	Top
62-63 IT services	Top	Top	Top	Top
64-66 Finance & insurance	3rd	3rd	Top	Top
68 Real estate	Bottom	2nd	3rd	2nd
69-71 Legal & accounting	3rd	Top	3rd	Top
72 Scientific R&D	Top	Top	Top	Top
73-75 Other business services	3rd	3rd	3rd	3rd
77-82 Admin. & support services	2nd	3rd	2nd	2nd

| | Bottom quartile | 2nd quartile | 3rd quartile | Top quartile |

Industry (A38)	AI human capital	AI innovation	AI exposure (barrier-adjusted)	AI use
58-60 Media	■	■	■	■
61 Telecommunications	■	■	■	■
62-63 IT services	■	■	■	■

CALVINO, F. ET AL (2024), *A SECTORAL TAXONOMY OF AI INTENSITY*, OECD ARTIFICIAL INTELLIGENCE PAPERS, NO. 30, OECD PUBLISHING, PARIS

AI Human capital: the share of AI-related online job vacancies

AI innovation: the share of AI-related patents

*AI exposure*: the potential AI adoption considering barriers such as costs or regulation

AI use: the share of companies using AI

AI RELATED PATENTS,
PRIOR TO THE GEN-AI
BOOM (LAUNCH OF CHAT
-GPT, END 2022)

CALVINO, F. ET AL (2024), *A SECTORAL*
TAXONOMY OF AI INTENSITY,
OECD ARTIFICIAL INTELLIGENCE PAPERS,
NO. 30, OECD PUBLISHING, PARIS

Number of AI patents as a share of total IP5 patents by sector, cross-country average
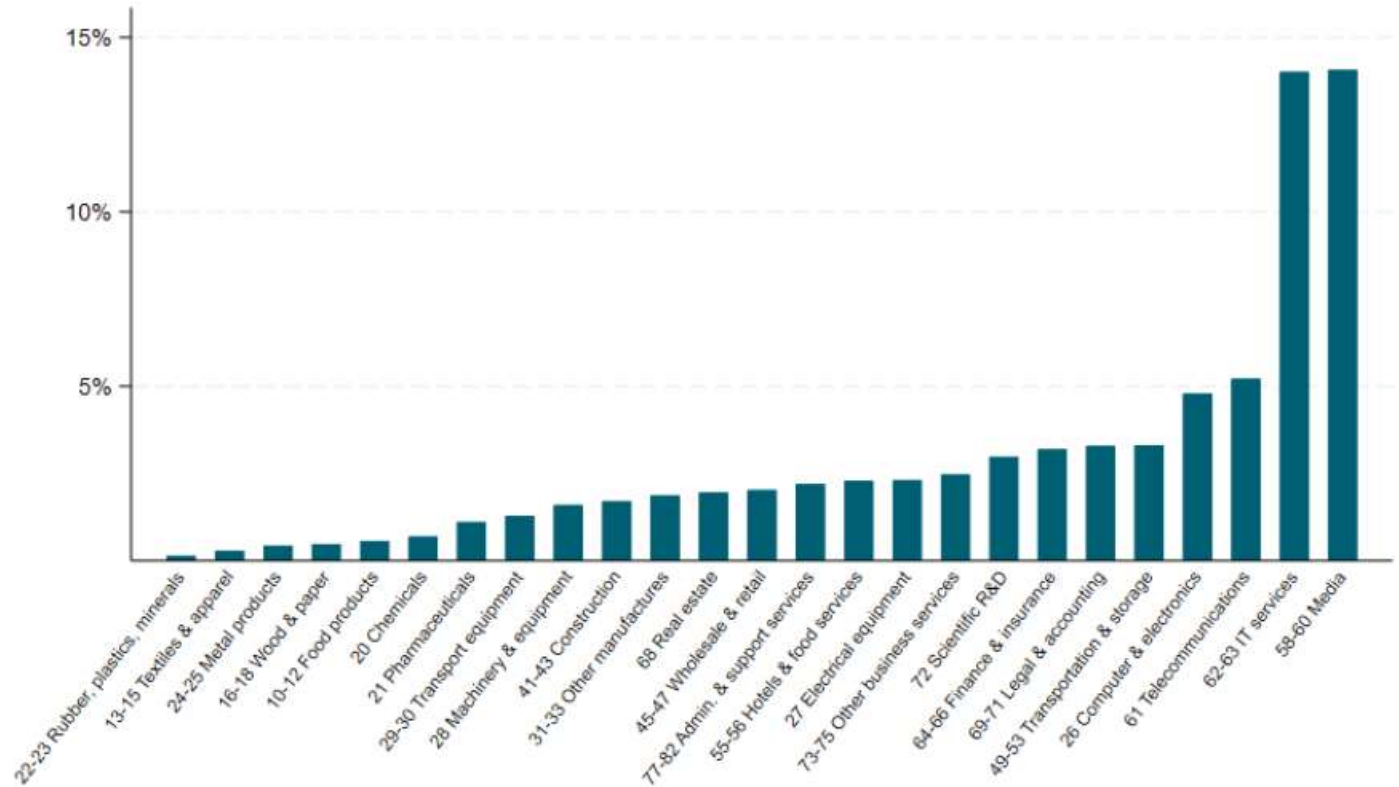
ETHICAL, QUALITY AND ECONOMIC CHALLENGES

AI IN JOURNALISM CAN BE USED AS A TOOL FOR EFFICIENCY, QUALITY AND BETTER BUSINESS STRATEGIES, BUT THERE ARE RISKS INVOLVED

ETHICAL, QUALITY AND ECONOMIC CHALLENGES

Ethical and quality challenges:

- **Transparency in the use of AI systems** (how relevant is it to know if a story was written by a human or machine?)

- **Quality of the input data** (quality of output depends on the quality of data)

- **Stereotypes reinforcement** (models replicate existing social gender and racial bias)

- **Hallucinations** (models may identify absurd patterns and confuse correlation with cause)

- **Deep fakes** (confusing to the naked eye/epistemic problem)

ETHICAL, QUALITY AND ECONOMIC CHALLENGES

Economic challenges and concerns:

- Ownership and copyright (data ownership, fair remuneration of authors, potential disruption to the production chain; media companies claiming that their information has been used to train models)

- Advertising market (intention of some AI companies to sell advertising space on their interfaces – further fragmentation of attention)

- Artificial intelligence might aggravate the media sector crisis

PARIS CHARTER ON AI AND JOURNALISM
November 2023

REPORTERS WITHOUT BORDERS + 16 PARTNERS

- Drawn up by representatives of the media and journalism community

- Concerns with the right to information, independent journalism, and trustworthy news and media outlets in the era of AI

- Ten ethical principles that journalists, newsrooms and media outlets around the world should follow when using AI systems

GUIDELINES ON THE RESPONSIBLE IMPLEMENTATION OF ARTIFICIAL INTELLIGENCE
November 2023

- Practical guidance to news media organizations, States, technology providers and digital platforms that disseminate news, detailing how AI systems should be used to support the production of journalism

REGULATORY FRAMEWORK OF THE COUNCIL OF EUROPE

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REGULATORY FRAMEWORK OF THE COUNCIL OF EUROPE

FRAMEWORK CONVENTION ON ARTIFICIAL INTELLIGENCE AND HUMAN RIGHTS, DEMOCRACY AND THE RULE OF LAW
Adopted 17 May 2024

- First-ever international legally binding treaty

- States must ensure:
  - Activities within the lifecycle of AI systems comply with a set of fundamental principles
  - Remedies, procedural rights and safeguards
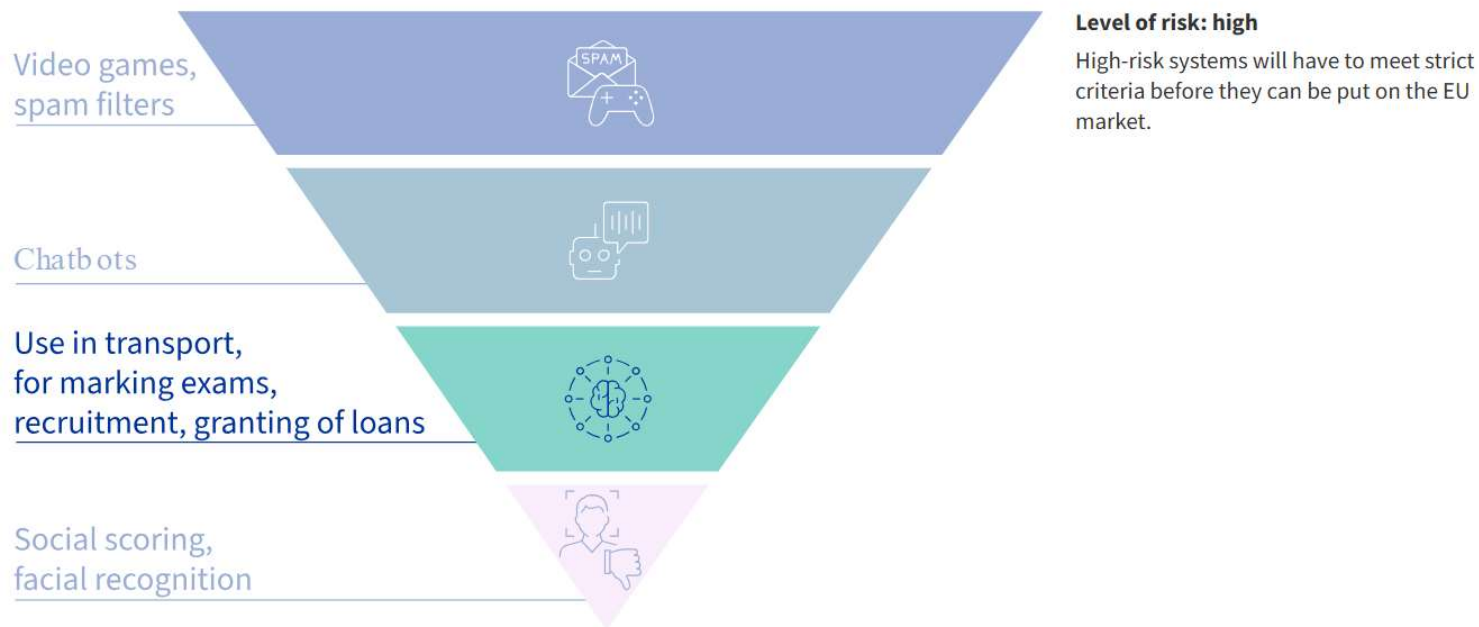 - risk and impact assessment and management

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REGULATORY
FRAMEWORK OF THE
EUROPEAN UNION

ARTIFICIAL INTELLIGENCE ACT
August 2024

- Gradual application (fully applicable in august 2026)

- Proportionate and binding rules, based on potential risks of AI use and level of impact on fundamental rights

- AI systems are categorized as **unacceptable**, **high**, **low**, and **minimal risk**

- ERC was appointed by the government as a competent authority for the protection of fundamental rights, namely democratic processes

ARTIFICIAL INTELLIGENCE ACT
August 2024

REGULATORY
FRAMEWORK OF THE
EUROPEAN UNION

SOURCE:

HTTPS://WWW.CONSILIUM.EUROP

A.EU/PT/POLICIES/ARTIFICIAL-

INTELLIGENCE/

Video games,
spam filters

Chatbots

Use in transport,
for marking exams,
recruitment, granting of loans

Social scoring,
facial recognition

Level of risk: high
High-risk systems will have to meet strict
criteria before they can be put on the EU
market.

. What has been done so far?

ARTIFICIAL INTELLIGENCE PACT
August 2024

Help stakeholders prepare for the implementation of the AI Act during the transitional period, through:

- Creation of a collaborative community: experience and knowledge sharing between stakeholders
- Voluntary pledges: Foster early implementation of parts of the AI Act

REGULATORY FRAMEWORK OF THE EUROPEAN UNION
(BEFORE FULL APPLICATION OF THE AI ACT)

ERC – Entidade Reguladora para a Comunicação Social   MARCH 2025   14

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THE PORTUGUESE
REGULATORY
PERSPECTIVE

JOURNALISTIC USE OF AN AI SYSTEM DURING ELECTORAL PERIOD
April 2024

- The ERC has issued a first ruling regarding AI and elections in 2024 (Legislative elections March 2024) addressing a TV segment based on experimental AI called 'Pulsómetro'.

- The TV segment was based on experimental AI to analyze social media discourse related to political parties candidates during debates.

- Framed as journalistic content

JOURNALISTIC USE OF AN AI SYSTEM DURING ELECTORAL PERIOD
April 2024

Concerns & recommendations by the media regulator (ERC):

- Transparency

THE BROADCASTER SHOULD ALWAYS PROVIDE THE LINK TO DETAILED INFORMATION ON THE FUNCTIONING OF THE AI MODEL

- "Experimental" (non subject to prior evaluation)

THE BROADCASTER SHOULD HAVE REFRAINED FROM LAUNCHING CONTENT GENERATED BY AN UNTESTED AI TOOL, ESPECIALLY DURING ELECTION TIME

- Humanizing language

EXPRESSIONS SUCH AS "MEASURING THE PULSE" OR "SENTIMENT OF THE SOCIAL NETWORK" CAN BE MISLEADING, THEY HUMANISE TECHNOLOGY AND NATURALISE ITS USES AND RESULTS

THE PORTUGUESE REGULATORY PERSPECTIVE

JOURNALISTIC USE OF AN AI SYSTEM DURING ELECTORAL PERIOD
April 2024

Future obligations for similar cases, under the scope of AI Act:

- Prior system certification

- Stricter transparency and information provision obligations

THE PORTUGUESE
REGULATORY
PERSPECTIVE

ERC

CHALLENGES

- Fears and hopes: Uncertainties regarding the application of the EU AI Act and its impact on the media sector

- Training and literacy needs (media professionals, journalists, citizens)

- Balancing regulation with editorial autonomy and room for innovation

- First steps have been taken. Long walk ahead. Nothing can be taken for granted.

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