<center>**Questions proposal – Matrix for FRIA**</center>

I.   Methodology

To elaborate the framework of guiding questions to perform the FRIA, the analysis started to identify the core concepts beneath the single rights. The main sources to develop the short explanation and the guiding questions are the CFREU itself, as well as Commentaries to the Charter and the interpretation suggested by the jurisprudence of the Court of Justice of the European Union. What follows is the result of this background analysis.

II.   Proposed questions

i.   Art. 1 CFREU – Human dignity

- **Short explanation:**

Human dignity, as enshrined in Article 1 of the EU Charter of Fundamental Rights, forms the basis of fundamental rights and is integral to the European Union's values, including freedom, equality, and solidarity. It influences various other rights, impacting everything from privacy and equality to workers' rights and social security.

- **Guiding questions:**
1. **Autonomy and Decision-Making**: Does the AI system enhance or undermine the ability of individuals to make autonomous decisions? How does it affect individuals' control over their life choices?
2. **Dehumanization and Stereotyping**: Does the AI system risk treating individuals as mere data points, ignoring their unique human characteristics and needs? Does it reinforce negative stereotypes or biases that could degrade human dignity?
3. **Vulnerable Populations**: How does the AI system impact vulnerable groups such as the elderly, disabled, or minorities? Does it support their participation in social and cultural life or does it create barriers that might isolate or discriminate against them?

ii.   Art. 2 CFREU – Right to life

- **Short explanation:**

The right to life, articulated in Article 2 of the EU Charter of Fundamental Rights, involves complex legal and ethical dimensions, particularly as they relate to new technologies and medical practices. The right not only prohibits arbitrary deprivation of life but also influences EU and MS laws and policies concerning healthcare access, emergency medical interventions, and ethical issues like euthanasia and assisted reproductive technologies.

- **Guiding questions:**

1. **Access to Healthcare**: How does the AI system manage or influence access to essential healthcare services and life-sustaining treatments? Does AI influence healthcare decisions in ways that could impact life-preserving treatments? Does the AI system enhance or impede access to urgent medical interventions that could be life-saving? Does the AI system enhance or impede access to specific medical treatment, like ATP?
2. **End-of-Life Decisions**: Does the AI system play any role in decisions around euthanasia or assisted dying, and how does it ensure respect for personal choices and dignity at the end of life?

iii. Art. 3 CFREU – Right to integrity of the person

- **Short explanation:**
Article 3 of the EU Charter of Fundamental Rights focuses on the right to physical and mental integrity, specifically emphasizing protections in the fields of medicine and biology.

- **Guiding questions:**
1. **Consent and Autonomy**: How does the AI system ensure that it upholds the patient's right to consent, especially in medical or biological contexts?
2. **Impact on Treatment**: Does the AI system involve procedures that could compromise the physical or mental integrity of individuals? Does the AI system influence medical decisions in ways that could compromise the physical or mental integrity of individuals?

iv. Art. 4 CFREU – Prohibition of torture and inhuman or degrading treatment or punishment

- **Short explanation:**
Article 4 of the EU Charter of Fundamental Rights prohibits torture and inhuman or degrading treatment or punishment. This is particularly relevant in the fields of justice, home affairs, and external policies where the EU and MS's influence is significant.

- **Guiding questions:**
1. **Detention**: Does the AI system influence decisions regarding detention conditions or treatment that could lead to inhuman or degrading treatment?
2. **External actions:** Does the AI system influence decisions regarding the requests of asylum seekers? Does the AI system apply to situations that reside in the EU's foreign policy and external actions?

v. Art. 5 CFREU – Prohibition of slavery and forced labour (excluded from the horizontal application)

- **Short explanation:**
Article 5 of the EU Charter of Fundamental Rights specifically addresses the prohibition of slavery, servitude, forced labour, and human trafficking, highlighting the EU and MS's commitment to combatting these severe human rights violations.

- **Guiding question:**
  1. **Victim Identification**: Does the AI system have the capabilities to help identify victims of trafficking and forced labour? Does this status influence in any aspect the AI system?

vi. **Art. 6 CFREU – Right to liberty and security (excluded from the horizontal application)**

- **Short explanation:**
Article 6 of the EU Charter of Fundamental Rights ensures the right to liberty and security, which becomes particularly relevant in the domains of immigration, asylum, and criminal justice under the EU's Area of Freedom, Security and Justice. This article shapes the standards and practices concerning the detention and treatment of individuals within these areas, ensuring that actions like arrests, detentions, or deportations comply with EU laws designed to protect personal freedom and security.

- **Guiding questions:**
  1. **Impact on financial services:** Does the AI system use information about an individual's legal history to make decisions about creditworthiness or access to banking services? If so, how is this information weighed against other factors?
  2. **Preventative Measures**: What safeguards and compliance measures are necessary to prevent the misuse of personal data that could lead to discrimination or unjust financial exclusion?

vii. **Art. 7 CFREU – Right to privacy**

- **Short explanation:**

Article 7 of the EU Charter of Fundamental Rights emphasizes the right to respect for private and family life. It acknowledges the broad and dynamic nature of family life within the EU, influenced by various factors including legislation on free movement, social security, and gender equality. The right to privacy under Article 7 ensures the protection of personal and family records against unauthorized or unnecessary collection, use, or disclosure of such information. This is particularly critical in contexts affecting children, gender equality, and migrants, where privacy and data protection are paramount.

- **Guiding questions:**

1. **Data Collection and Privacy**: Does the AI system collect personal data from family contexts? How does it ensure that such data collection respects the privacy and autonomy of family members?
2. **Impact on Children and Families**: How does the AI system address or potentially infringe upon the rights and protections specifically afforded to children under EU law?
3. **Influence on Gender Equality and Family**: Could the AI system inadvertently perpetuate stereotypes or biases that affect gender equality within family settings?

viii. Art. 8 CFREU – Right to data protection

- **Short explanation:**
  Article 8 of the EU Charter of Fundamental Rights enshrines the right to the protection of personal data. It ensures that personal data must be processed fairly, for specified purposes, and on the basis of the consent of the person concerned or another legitimate basis laid down by law. Moreover, everyone has the right to access and rectify data collected about them. This right is particularly significant in the context of AI, where vast amounts of personal data can be processed automatically.

- **Guiding questions:**
1. **Data Accuracy and Integrity**: How does the AI system ensure the accuracy and integrity of personal data it processes?
2. **Limitation and Minimization**: Does the AI system restrict processing of personal data to the explicit purposes for which it was collected, and is the data collected minimally sufficient?
3. **Transparency and User Control**: How transparent is the AI system about data processing practices, and how does it empower users to control their personal data?

ix. Art. 9 CFREU – Right to marry and found a family

- **Short explanation:**
  Article 9 of the EU Charter of Fundamental Rights addresses the right to marry and found a family. This right involves areas related to non-discrimination, cross-border recognition of family statuses, and public health services affecting family life.

- **Guiding questions:**
1. **Non-Discrimination**: How does the AI system ensure it does not discriminate based on sexual orientation, gender identity, or marital status in providing services related to family and marriage rights?
2. **Cross-Border Recognition**: Does the AI system have mechanisms to recognize and respect marriage and family statuses across EU member states, especially in managing data that crosses borders?

3. **Health Data Handling**: How does the AI system manage health data used (e.g.) in reproductive and family planning services to ensure compliance with EU health regulations and respect for privacy and consent?

x.   Art. 10 CFREU – Right to freedom of thought, conscience and religion

- **Short explanation:**
Article 10 of the Charter of Fundamental Rights of the European Union guarantees the right to freedom of thought, conscience, and religion. This includes the right to hold beliefs, change religion or belief, and manifest one's religion or beliefs in worship, teaching, practice, and observance, either alone or in community with others. Areas of application include employment, public expression, education, healthcare.

- **Guiding questions:**
    1. **Influence on Decision-Making**:
    Does the AI system potentially shape or influence individual decision-making in a way that limits the autonomy to make free choices, especially related to religious or philosophical beliefs? For example, do the system's recommendations or predictions steer someone away from their beliefs due to bias in data?
    2. **Manifestation of Religious Beliefs**:
    Does the AI system accommodate or limit the expression of religious symbols or practices, either explicitly or through indirect bias? How does it handle decisions in sensitive areas, like healthcare or employment, where religious beliefs may affect participation?
    3. **Religious Neutrality in Decision-Making**:
    Does the AI system remain neutral in scenarios where users' religious or non-religious beliefs come into play? Are there mechanisms to ensure that religious freedom is respected, such as ensuring that decisions regarding public-facing roles or policies on attire (e.g., religious headwear) are not biased?
    4. **Conscientious Objection**:
    Does the AI system provide accommodations for individuals who might refuse to follow certain decisions or recommendations due to conscientious objections based on religious or ethical grounds? Can users override AI decisions in favour of their beliefs?

xi.   Art. 11 CFREU – Right to freedom of expression

- **Short explanation:**
Freedom of expression constitutes a cornerstone of democratic societies. It is at the centre of individual autonomy, public discourse, and the functioning of the media. This right encompasses the freedom to hold opinions and to receive and impart information and ideas without undue interference. It also ensures the freedom and

pluralism of the media which is at the core of a diverse and informed public sphere. This right impact areas such as: the right to hold opinions; the right to impart information and ideas; and the right to receive information and ideas.

- **Guiding questions:**
1. **Autonomy:** Does the AI system enhance or restrict an individual's ability to access, share, or express information and opinions? How does it impact the diversity of perspectives available to users?
2. **Limitation and Bias:** Does the AI system exhibit any biases that could lead to the suppression of certain viewpoints or the unfair promotion of others? Is there a risk of the system being used to censor or unfairly filter content?
3. **Media Pluralism:** How does the AI system affect the plurality of media sources and the diversity of content? Does it contribute to the concentration of media ownership or influence?

xii.   Art. 12 CFREU – Right to assembly and association

- **Short explanation:**
The right to assembly and association guarantees individuals the freedom to gather peacefully and to form or join groups, including political parties, trade unions, and civic organisations. This right is essential for political participation, social solidarity, and the expression of collective interests. In this case, AI systems could limit the possibility of individuals assembling, associating, and participating in political and social life, for instance, by profiling individuals.

- **Guiding questions:**

1. **Assembly:** Does the AI system enhance or restrict the ability of individuals to organise and participate in assemblies or associations? How does it impact the ease with which people can connect with others with similar political, social, or economic interests?
2. **Surveillance:** Can the AI system potentially be used to monitor individuals' participation in assemblies or associations? Could it be misused to discourage or penalise involvement in such groups?
3. **Participation:** How does the AI system influence the functioning of associations? Does it support their role in expressing the political will of citizens?
4. **Bias in Association:** Does the AI system exhibit bias when considering individuals as part of an association, potentially affecting decisions like access to services or employment based on their group affiliations? How does the system mitigate risks of unfair treatment based on such biases?

xiii.   Article 13 CFREU – Freedom of the arts and sciences

- **Short explanation:**

Article 13 of the CFREU deals with the freedom of the arts and sciences and aims to foster knowledge, culture, and innovation. It ensures that artistic expression and scientific research are free from undue restrictions. Academic freedom is also a key component, safeguarding the independence of educational institutions and the development of knowledge. AI systems raise primary questions about the creation of knowledge and the development of innovation.

- **Guiding questions:**
1. **Artistic and Scientific Freedom:** Does the AI system impact the ability of artists and researchers to explore new ideas and push boundaries without fear of limitation?
2. **Bias in knowledge creation:** Does the AI system exhibit biases that could lead to manipulating artistic or scientific content? Is there a risk of the system being used to foster or hide controversial or unconventional works?
3. **Impact on Academic Freedom:** How does the AI system influence the independence of academic institutions and researchers? Does it support the free exchange of ideas or introduce constraints that might hinder academic debate?

xiv. Article 14 CFREU – Right to education

- **Short explanation:**
Article 14 of the CFREU is about the protection of the right to education. It ensures access to quality education for everyone, regardless of their nationality or status. It includes the right to vocational training, non-discrimination in educational opportunities, and access to education for EU nationals and third-country nationals under certain conditions. The right to education also intersects with freedom of movement within the EU and the ability to pursue studies across member states.

- **Guiding questions:**
  1. **Access to Education-Related Data:** Does the AI system take into account educational background when assessing creditworthiness, and how does it ensure that it does not disadvantage applicants from different educational systems or levels?
  2. **Bias in Education-Based Credit Decisions:** How does the AI system avoid biases related to the type or level of education (e.g., vocational training vs. university degrees) when determining credit scores?
  3. **Non-Discrimination in Educational Attainment:** Does the AI system account for educational attainment without introducing discrimination based on the location or quality of the institution attended?
  4. **Support for Vocational and Lifelong Learning:** How does the AI system accommodate applicants who are pursuing further education or vocational training, particularly in terms of evaluating future creditworthiness?
  5. **Educational Pathways for Migrants and Third-Country Nationals:** Does the system treat applicants fairly, regardless of whether their education was completed abroad or in a non-EU member state?

xv. **Art. 15 CFREU – Freedom to Choose an Occupation and Right to Engage in Work**

- **Short explanation:**
Article 15 of the EU Charter protects the right to engage in work and pursue a freely chosen occupation. This right encompasses equal treatment for EU citizens across Member States regarding employment opportunities, social, and tax advantages. For third-country nationals, once authorized to work, they are entitled to equal treatment in working conditions.

- **Guiding questions:**

1. **Employment Bias:** Does the AI system introduce biases related to the applicant's occupation or employment status? Does it favour specific job sectors or professions when determining creditworthiness?
2. **Job Mobility:** How does the system treat applicants who have worked across borders or in different countries within the EU? Is cross-border employment properly recognized without introducing penalties?
3. **Third-Country Nationals:** Are third-country nationals treated equitably compared to EU citizens when it comes to assessing creditworthiness based on employment data?
4. **Impact of Non-Traditional Work:** How does the AI system evaluate non-traditional work arrangements (e.g., freelance, gig economy) compared to standard full-time employment? Does it risk disadvantaging these applicants?
5. **Access to Employment-Based Credit Data:** How does the AI system ensure that individuals in lower-paying jobs or those with temporary contracts are not disproportionately penalized in credit evaluations?

xvi. **Art. 16 CFREU – Freedom to conduct a business**

- **Short explanation:**
  Article 16 of the EU Charter protects the freedom to conduct business, including the right to start and manage economic activity. It is closely linked to the rights to property (Article 17) and work (Article 15).

- **Guiding questions:**

1. **Business Profiling:** Does the AI system profile individuals based on their business activities? Does it introduce biases against entrepreneurs in certain industries or sizes of businesses?
2. **Impact on Entrepreneurship:** How does the AI system treat self-employed or small business owners compared to individuals employed by larger organizations? Are there any inherent biases in assessing the creditworthiness of entrepreneurs?

3. **Business Continuity:** Could the AI system disproportionately affect the ability of business owners to access credit, thereby potentially impacting their ability to maintain or grow their business?
4. **Fairness:** Are there measures in place to ensure fairness in assessing applications from those running innovative or non-traditional businesses?
5. **Autonomy in Business Conduct:** Could decisions made by the AI system restrict an individual's ability to engage in economic activity or pursue entrepreneurial ventures? Does it take into account dynamic and evolving business environments?

xvii. Art. 17 CFREU – Right to property

- **Short explanation:**
Article 17(1) of the Charter protects the right to property, ensuring that individuals, companies, and entities are entitled to own, use, and dispose of their possessions. The right extends to both tangible and intangible assets and guarantees that property cannot be taken away except in cases of public interest and under fair compensation, which must be established by law. Article 17(2) specifically highlights the growing importance of intellectual property (IP) rights, including copyrights, patents, and trademarks. Intellectual property extends the scope of the right to property by ensuring that the creations of the mind, such as inventions, literary and artistic works, and symbols, are recognized and protected. Given the increasing reliance on knowledge-based economies, protecting intellectual property rights is crucial to fostering innovation, creativity, and economic competitiveness in the EU. In this context, EU law seeks to strike a balance between protecting IP rights and promoting the public interest, ensuring that the use of intellectual property does not unduly restrict innovation or fair competition.

- **Guiding questions:**

1. **Property Evaluation:** Does the AI system accurately assess an individual's or business's assets? Does it factor in intellectual property when determining creditworthiness?
2. **Bias in Property Assessment:** Are there biases in the AI system that could misvalue certain types of property or assets (e.g., small business assets vs. large corporation assets)?
3. **Impact on Asset Use:** Could decisions made by the AI system limit an individual's ability to leverage their property for loans or credit? Does it fairly evaluate properties and intellectual assets?
4. **Property Rights Protection:** Does the AI system safeguard property rights in its evaluations, ensuring that individuals are not unfairly penalized due to system errors or biases?

xviii. Art. 18 CFREU – Right to asylum [state based provision]

Article 18 of the Charter of Fundamental Rights of the European Union guarantees the right to asylum, framing it within the existing EU asylum system and protocols. This right ensures that individuals seeking international protection within the EU have access to a fair and functioning asylum process. The field of application of Article 18 is primarily centered on third-country nationals seeking protection within the EU.

- **Guiding questions:**

1. **Access to Credit:** How does the AI system assess third-country nationals seeking asylum in the EU when determining creditworthiness? Could their uncertain legal status impact access to financial services?

xix. Art. 19 CFREU – protection in the event of removal, expulsion or extradition [state based provision]

- **Short explanation:**
Article 19 of the EU Charter prohibits collective expulsion and protects individuals from being sent to a country where they may face torture, inhuman, or degrading treatment. It has two main components: Article 19(1) prevents the collective expulsion of EU and third-country nationals, protecting the right to individual consideration of cases; Article 19(2) prohibits extradition or removal of individuals to countries where they may face human rights abuses.

- **Guiding questions:**
1. **Exclusionary Practices:** Does the AI system used in credit decisions disproportionately exclude certain groups (e.g., third-country nationals)? Could this potentially constitute a form of indirect discrimination or collective expulsion from financial services?
2. **Risk of Bias:** Does the AI system consider the risk of individuals from certain regions being excluded from access to banking services, possibly reflecting biases based on nationality or asylum-seeking status?

xx. Art. 20 CFREU – Equality before the law

- **Short explanation:**
  Article 20 of the EU Charter guarantees that "everyone is equal before the law." This fundamental right is central to EU law, ensuring that all individuals receive fair and equal treatment in all situations where EU law applies. It plays a broad role in numerous areas, including employment, social welfare, taxation, and public services, where differences in treatment can arise.

- **Guiding questions:**

1. **Fairness in Credit Decisions:** Does the AI system treat all individuals equally, regardless of nationality, gender, age, or any other characteristic? Does it ensure that no discriminatory patterns are emerging in credit scoring?
2. **Data Inputs and Bias:** Are the data inputs or algorithms being used by the AI system free from any inherent biases that might lead to unequal treatment of certain groups or individuals?
3. **Transparency in Decision-Making:** Is the AI system transparent in how it determines creditworthiness? Can affected individuals access clear reasoning or justifications for decisions, ensuring they understand how their application is evaluated?

xxi.   Art. 21 CFREU – Non discrimination:

- **Short explanation:**

Article 21 of the EU Charter prohibits any discrimination based on nationality or other personal characteristics such as race, gender, religion, sexual orientation, and more. It is divided into two parts: one focusing on nationality discrimination (Art. 21(2)) and the other addressing broader status-based discrimination (Art. 21(1)). While Article 21(1) aligns with EU anti-discrimination laws, Article 21(2) specifically targets nationality discrimination within the scope of the Treaties.

- **Guiding questions:**
1. **Non-Discrimination in Credit Decisions:** Does the AI system treat applicants equally regardless of characteristics like nationality, ethnicity, gender, religion, or age? Are there safeguards against discriminatory patterns?
2. **Bias Mitigation:** Are there checks in place to ensure that the AI system does not unintentionally introduce bias based on personal characteristics like race or religion?
3. **Equal Access:** Does the AI system ensure that all individuals, regardless of nationality, have equal access to financial services and credit?
4. **Transparency in Data Usage:** Is there clarity on how personal data, especially sensitive attributes like nationality or genetic information, is used in making decisions about creditworthiness?
5. **Adherence to Anti-Discrimination Laws:** Does the system comply with both national and EU anti-discrimination laws when assessing credit applications?

xxii.   Article 22 CFREU – Cultural, religious and linguistic diversity

- **Short explanation:**

Article 22 of the EU Charter emphasises that the European Union must respect and promote the diversity of cultures, religions, and languages across its member states. The recognition of this right underlines the commitment to the coexistence of various cultural identities based on the value of diversity, and ensuring that cultural, religious, or linguistic differences are not a basis for discrimination or exclusion. AI could fail to represent diversity and different cultural nuances.

- **Guiding questions:**
1. **Recognition of Diversity:** Does the AI system recognise diverse cultural, religious, and linguistic backgrounds when making decisions? Does it avoid imposing uniform criteria that may marginalise certain groups?
2. **Cultural Sensitivity in Decision-Making:** Are the algorithms sensitive to different cultural and religious practices or holidays, ensuring decisions are not biased against individuals due to cultural or religious observances (e.g., time off work for religious reasons)?
3. **Fair Representation of Diversity in Data:** Does the AI system's data set represent the cultural, religious, and linguistic diversity of the EU population, ensuring no group is underrepresented or misrepresented? How does it prevent cultural biases in data processing?

xxiii. Article 23 CFREU – Equality between women and men

- **Short explanation:**

Article 23 of the EU Charter mandates the equality between women and men. This right extends to different areas of life, including employment, work, and pay. It does not only promote gender equality but also allows for the implementation of positive actions (e.g., specific policies or measures) to benefit the under-represented sex, often women, in situations where historical or structural inequalities exist. AI decision-making could lead to gender-based discrimination.

- **Guiding questions:**
1. **Employment and Pay:** Does the AI system ensure that men and women are treated equally in employment decisions, promotions, and compensation? Are there mechanisms to prevent gender bias in job offers, performance reviews, or salary determination?
2. **Gender Bias and Stereotyping:** Are there safeguards against gender bias in the data used by the AI system? Does the system analyse patterns to detect and correct any discriminatory practices based on gender?
3. **Gender-specific issues:** Does the AI system account for gender-specific factors that might influence employment decisions, such as parental leave, caregiving responsibilities, or flexible working arrangements, ensuring that these do not discriminate against women?

xxiv. Article 24 CFREU – The Rights of the child

- **Short explanation:**

Article 24 of the EU Charter outlines children's rights to protection, care, and participation in decisions affecting them. It consists of three key principles. First, Children have the right to necessary protection and care for their well-being and freely

express their views, which must be considered by age and maturity. Second, in all matters involving children, their best interests must be a primary consideration for both public authorities and private institutions. Third, every child has the right to maintain regular, personal relationships and contact with both parents, unless this would be contrary to their best interests.

- **Guiding questions:**
1. **Child Protection:** Does the AI system ensure that children's well-being is safeguarded in its services, such as online platforms or educational tools? Are there mechanisms to prevent harm to children, including data protection, safety from inappropriate content, and limits on access to age-restricted services?
2. **Children's Maturity:** Does the system allow children to interact with children and include their views, ensuring these are taken into account in decisions or services that concern them? Are the child's age and maturity level considered when gathering or responding to feedback from children?
3. **Best Interests:** Are the child's best interests a primary focus in any AI-driven decision-making processes, such as healthcare, education, or child protection services? Are there specific safeguards to prevent the system from prioritising other factors, such as financial gain, over the well-being of children?
4. **Harmful Content:** Does the system prevent access to content or interactions that could harm a child's development or well-being, such as violence, hate speech, or exploitation? How does it monitor and filter age-inappropriate content to protect young users?

xxv. Article 25 CFREU – The rights of the elderly

- **Short explanation:**
Article 25 of the EU Charter recognises the rights of elderly individuals to live with dignity, maintain their independence, and actively participate in social and cultural life. This article ensures that older people are treated with respect and provided with opportunities to engage fully in society, avoiding exclusion due to age.

- **Guiding questions:**
1. **Dignity of the Elderly:** Does the AI system ensure that the dignity of older adults is preserved when they engage with AI systems? Are there mechanisms to avoid ageist stereotypes in decision-making processes?
2. **Independence:** Does the AI system provide tools or features that promote the independence of the elderly, such as assistive technologies, mobility aids, or smart home devices? How does it ensure that elderly individuals can use the system effectively, considering potential barriers like limited tech skills?
3. **Participation:** Does the AI system create or support opportunities for older people to engage in social and cultural activities, either through online platforms, community-

building tools, or access to cultural content? How does it encourage their active participation in society?

4. **Accessibility:** Is the system designed to be user-friendly for elderly users, with features like simplified interfaces, larger text, or voice-controlled commands? Are there efforts to reduce digital exclusion by making the technology accessible for people with reduced mobility or sensory impairments?

xxvi. Article 26 CFREU – Integration of Persons with Disabilities

- **Short explanation:**

Article 26 of the EU Charter recognises the right of persons with disabilities to benefit from measures that ensure their independence, social and occupational integration, and active participation in community life. This article underscores the importance of creating an inclusive environment where individuals with disabilities have equal opportunities to engage in all aspects of society.

- **Guiding questions:**
1. **Independence:** Does the AI system include features or tools that enhance the independence of persons with disabilities, such as assistive technologies, adaptive interfaces, or personalised support? How does it ensure these tools are effective and accessible?
2. **Integration:** Does the AI system support the social and occupational integration of individuals with disabilities, for example, by facilitating access to employment opportunities, social activities, or educational resources? Are there features that help bridge gaps and foster inclusion in various settings?
3. **Avoidance of Discrimination:** Does the AI system ensure that persons with disabilities are not subjected to discrimination or bias in its processes? Are there safeguards in place to detect and address potential biases?

xxvii. Art. 27 CFREU – Workers' rights:

- **Short explanation:**

Article 27 of the EU Charter establishes the right of workers to information and consultation within their organizations. This right is critical in EU labor law, ensuring that employees or their representatives are informed and consulted on matters affecting the workplace. The scope of this right is dependent on national laws and EU Directives, and it typically applies at various levels such as establishments, undertakings, and company groups. <u>However, Article 27 lacks direct effect unless implemented through specific national or EU legislation.</u>

- **Guiding questions:**
1. **Worker Consultation:** Does the AI system inform and consult workers (or their representatives) regarding decisions impacting their employment or the workplace environment?

xxviii. Art. 28 CFREU – Right to collective actions:

- **Short explanation:**

Article 28 of the EU Charter guarantees the right of workers and their representatives to engage in collective bargaining and take collective action, including strike action, in defense of their interests. This right applies to the institutions, bodies, offices, and agencies of the EU, as well as to Member States when implementing EU law. However, this right must be exercised in accordance with both Union and national laws, making it subject to limitations based on public interest or economic rights.

- **Guiding questions:**
1. **Collective Impact:** Does the AI system influence workers' rights to participate in collective bargaining or collective actions like strikes?

xxix. Art. 29 CFREU – Right of access to placement services:

- **Short explanation:**

Article 29 of the Charter guarantees the right to access free placement services, facilitating labor mobility and helping individuals find employment within the EU. This right is closely tied to the freedom of movement for workers, ensuring that both EU nationals and workers from member states can benefit from equal access to job opportunities. The role of national and European employment services, including platforms like EURES, is essential in coordinating job vacancies, applications, and labor market data, contributing to a balanced, integrated labor market.

- **Guiding questions:**
1. **Job Placement:** How does the AI system consider access to free placement services when evaluating the creditworthiness of individuals, especially those transitioning between jobs or relocating for employment?
2. **Worker Mobility:** Does the system account for potential biases or barriers related to worker mobility, such as nationality, in determining creditworthiness?
3. **Transparency:** Does the AI system transparently utilize job-related data (such as employment status or job search activities) fairly to assess an individual's financial stability and creditworthiness?
4. **Transitions:** How does the system handle individuals undergoing job transitions or relying on employment services? Does it offer flexibility to accommodate temporary unemployment or job-seeking periods?

xxx. Art. 30 CFREU – Protection in the event of unjustified dismissal:

- **Short explanation:**

Article 30 of the Charter protects workers from unjustified dismissal. This right is meant to prevent arbitrary terminations, ensuring that any dismissal follows a lawful procedure, includes appropriate reasons, and provides redress, such as compensation or dispute resolution mechanisms.

- **Guiding questions:**
1. **Employment Stability:** How does the AI system account for the risk of unjust dismissal when assessing an individual's creditworthiness, especially in cases of sudden employment termination?

xxxi. Art. 31 CFREU – Right to fair and just work conditions

- **Short explanation:**
Article 31 of the Charter of Fundamental Rights of the EU ensures the right to fair and just working conditions. This includes protecting workers' safety, health, and dignity in their working environment. It also guarantees that workers receive adequate rest and paid annual leave.

- **Guiding questions:**
1. **Impact of Employment Status:** How does the AI system account for temporary or precarious employment and its potential effect on a worker's health and well-being when assessing financial risk?

xxxii. Art. 32 CFREU – Prohibition of child labour

- **Short explanation:**
Article 32 of the Charter of Fundamental Rights of the EU ensures the protection of children from economic exploitation and harmful labor practices. It restricts child labor and ensures that any work undertaken by young people is done under safe conditions. It aims to balance the need for vocational opportunities with educational development and safeguarding the health, safety, and well-being of minors.

- **Guiding questions:**
1. **Protection of Young Workers:** Does the AI system flag applicants under the minimum working age or those with limited work history due to youth protections?

xxxiii. Art. 33 CFREU – Family and professional life:

- **Short explanation:**
Article 33 ensures protection for family life and work-life balance, emphasizing social and economic protection for families.

- **Guiding questions:**

1. **Maternity/Parental Leave:** How does the AI consider applicants who may be on maternity or parental leave? Does it flag these circumstances as high-risk unjustly, or does it account for the temporary nature of such absences?

xxxiv. Art. 34 CFREU – Social security and social assistance:

- **Short explanation:**

Article 34 of the Charter ensures access to social security, housing, and social assistance. It covers citizens and residents within the EU and supports their right to receive appropriate support, especially during vulnerable times, such as unemployment or illness.

- **Guiding questions:**
1. **Social Security Impact:** Does the AI system consider applicants' access to social security benefits, and how might a lack of access influence credit decisions?
2. **Vulnerability Assessment:** How does the AI handle applicants experiencing economic vulnerability due to illness, unemployment, or similar situations, and does it account for assistance or benefits they receive?
3. **Non-Discrimination:** Does the AI ensure no indirect discrimination against applicants who rely on social or housing assistance when evaluating their creditworthiness?

xxxv. Art. 35 CFREU – The right to healthcare

- **Short explanation:**

Article 35 of the Charter ensures access to preventive health care and medical treatment under conditions established by national laws and practices. It mandates that a high level of human health protection be integrated into all Union policies and activities.

- **Guiding questions:**
1. **Health-Related Expenditures:** Does the AI system take into account the applicant's medical costs or health-related financial burdens when determining creditworthiness?
2. **Discrimination:** Could the AI system disadvantage applicants with health conditions, leading to potential indirect discrimination?
3. **Access to Care:** Does the AI ensure that applicants, especially those in economic distress due to medical conditions, are not unfairly assessed or denied access to credit, which could hinder their ability to access necessary medical care?
4. **Vulnerability Consideration:** How does the AI evaluate applicants who are in economically vulnerable positions due to health issues, and does it consider available health care support systems in its assessment?

xxxvi. Art. 36 CFREU – Access to service of general economic interest [state based provision]

- **Short explanation:**

Article 36 of the Charter concerns access to services of general economic interest (SGEI), ensuring that everyone has the right to access these services, especially those essential for maintaining dignity and ensuring welfare (e.g., electricity, water, healthcare).

- **Guiding questions:**

1. **Impact on Vulnerable Groups:** Could the AI system indirectly disadvantage vulnerable populations (e.g., Roma, economically marginalized) in accessing essential services through its creditworthiness assessment?

xxxvii. Art. 37 CFREU – Environmental protection [state based provision]

- **Short explanation:**

Article 37 of the Charter focuses on integrating environmental protection into all Union policies, aiming for a high level of protection and improvement in environmental quality. However, it does not establish any specific individual right to environmental protection. Instead, it serves as a guiding principle for EU institutions and Member States when implementing Union law, especially concerning policies on climate, biodiversity, pollution, and waste management.

- **Guiding questions:**
1. **Environmental Impact:** Does the AI system consider environmental factors in its assessment, such as the impact of climate risks on creditworthiness?
2. **Sustainability Incentives:** Does the AI system factor in potential benefits or risks associated with green initiatives or compliance with environmental laws when evaluating clients?

xxxviii. Art. 38 CFREU – Consumer protection

- **Short explanation:**

Article 38 of the Charter of Fundamental Rights of the European Union ensures that all Union policies and activities provide a high level of consumer protection. It aligns closely with Article 169 TFEU, which promotes consumer health, safety, and economic interests. The article has broad relevance, influencing not only consumer protection but also harmonizing laws affecting trade, free movement, and public policies across the Union.

- **Guiding questions:**
1. **Consumer Transparency:** Does the AI system ensure transparency in its assessments, so consumers understand why credit decisions are made?
2. **Consumer Protection:** How does the system ensure fairness in evaluating consumer creditworthiness, particularly for vulnerable consumers?

3. **Data Usage:** How does the system ensure that consumer data is protected, and does it comply with consumer protection laws and standards?
4. **Dispute Resolution:** What mechanisms are in place for consumers to challenge decisions made by the AI, ensuring their right to a remedy?
5. **Bias Mitigation:** Does the AI consider and mitigate biases that could harm certain consumer groups, ensuring nondiscriminatory practices in evaluating creditworthiness?

xxxix. Art. 39 CFREU – The right to vote [state based provision]

- **Short explanation:**

Article 39 of the Charter of Fundamental Rights of the EU secures the right for citizens of the Union to vote and stand as candidates in elections to the European Parliament. This right applies to EU institutions and Member States implementing Union law, particularly under the Act on Direct Elections and Council Directive 93/109/EC. It relates closely to Article 40 (municipal election rights) and promotes democratic participation within the EU's political processes.

- **Guiding questions:**
1. **Public Profile Impact:** How does the public profile and political activities of the candidate (e.g., income from political roles, endorsements, or campaign contributions) affect their financial stability and creditworthiness?
2. **Cross-Border Considerations:** If the candidate has political ties or activities across multiple EU Member States, how is their financial data collected, and does the system account for variations in credit assessment standards across borders?

xl. Art. 40 CFREU – The right to vote and to stand as a candidate

- **Short explanation:**

Article 40 guarantees EU citizens the right to vote and stand as a candidate in municipal elections, regardless of their nationality within the Union. This right reflects the EU's commitment to democratic participation and equal treatment, aligning with broader Union values. However, it applies only to local elections, and does not extend to national elections. It ensures non-discriminatory access to political participation at the municipal level for EU citizens residing in other Member States.

- **Guiding questions:**
1. **Political Contributions:** Has the candidate declared all political contributions and fundraising activities, and are there any irregularities?
2. **Public Records:** Do public records reveal any legal or financial actions against the candidate that might indicate financial irresponsibility?
3. **Conflict of Interest:** Are there any potential conflicts of interest between the candidate's financial dealings and their political role?

4. **Income Stability:** Is the candidate's income primarily tied to their political career, and if so, how stable is that source of income considering electoral outcomes and term limits?
5. **Financial Transparency:** Has the candidate demonstrated financial transparency in line with public office expectations, including disclosure of assets, debts, and financial interests?
6. **Potential Conflicts of Interest:** Are there any potential conflicts of interest between the candidate's financial obligations and their public role that may affect their credit risk profile?
7. **Reputation Risk:** How does the candidate's public reputation, including any legal or ethical concerns, affect their perceived reliability as a borrower or credit applicant?
8. **Electoral Campaign Finances:** How do campaign financing laws (e.g., donations and spending limits) impact the candidate's overall financial profile and ability to service personal debt?

xli. Art. 41 CFREU – The right to good administration [state based provision]

- **Short explanation:**

Article 41 of the EU Charter guarantees the right to good administration, ensuring that individuals have the right to fair treatment in dealings with the EU institutions. This includes the right to be heard, access to one's file, and receiving reasons for decisions. While the Article specifically addresses EU institutions, bodies, offices, and agencies, the general principle of good administration also applies to Member States when acting within the scope of EU law, as clarified by case law.

- **Guiding questions:**
1. **Transparency in Decision-Making:** How does the AI system ensure transparency in the credit evaluation process?
2. **Right to Be Heard:** Does the system allow individuals to provide input or clarify their financial data before decisions are made?

xlii. Art. 42 CFREU – The right to access documents

- **Short explanation:**

Article 42 of the Charter grants every citizen of the Union the right to access documents of EU institutions, bodies, offices, and agencies. This right is closely linked to Article 15(3) TFEU and is governed by secondary legislation, most notably Regulation 1049/2001.

- **Guiding questions:**
1. **Access to Personal Data:** Can individuals access all the financial documents and data the AI used to assess their creditworthiness?
2. **Transparency of Evaluation Criteria:** How transparent is the bank about the criteria used by the AI to make credit decisions?

3. **Request for Information:** Is there a system in place for individuals to request additional information or clarification on how their credit score was determined?

xliii.   Art. 43 CFREU – European Ombudsman [state based provision]

- **Short explanation:**

Article 43 of the Charter guarantees EU citizens and residents the right to complain to the European Ombudsman. This right applies to situations where EU institutions, bodies, offices, or agencies have committed maladministration. If a bank's AI system evaluating creditworthiness is part of an EU-regulated institution, individuals could potentially file a complaint with the Ombudsman if the evaluation process appears unfair or lacks transparency. The Ombudsman ensures that EU bodies adhere to principles of good administration.

- **Guiding questions:**
1. **Filing a Complaint:** Can individuals who feel unfairly assessed by the bank's AI system in terms of creditworthiness file a complaint with the European Ombudsman?
2. **Ombudsman's Role:** How does the European Ombudsman address complaints related to credit evaluation systems used by banks, particularly when AI is involved?
3. **Institutional Oversight:** What powers does the Ombudsman have to investigate potential maladministration in AI-driven credit assessments by financial institutions?
4. **Complaint Procedure:** What is the process for filing a complaint with the Ombudsman regarding the transparency and fairness of AI-based credit assessments?

xliv.   Art. 44 CFREU – The right to petition [state based provision]

- **Short explanation:**

Article 44 of the Charter provides the right for every citizen or resident of the EU to petition the European Parliament on matters within the Union's scope of activity. If a bank uses AI to evaluate creditworthiness in a way that violates EU laws or principles, individuals can petition the European Parliament to review the matter. This right serves as an avenue for individuals to raise concerns about transparency or fairness in credit evaluation within the Union's legal framework.

- **Guiding questions:**
1. **Right to Be Heard:** How can the AI credit evaluation system be designed to address consumer petitions regarding inaccurate decisions? How could AI systems impact a person's ability to petition on financial issues related to credit access?

xlv.   Art. 45 CFREU – Freedom of movement and residence

- **Short explanation:**

Article 45 of the Charter grants EU citizens the right to move and reside freely within the territory of the Member States. This right mirrors the provisions of Article 20(2)(a) TFEU and is fundamental to the European integration project. It primarily emphasizes that free movement rights, although central, must align with conditions defined in EU Treaties.

- **Guiding questions:**
1. **Non discrimination:** Does the AI system ensure non-discriminatory access to credit for EU citizens exercising their right to free movement?
2. **Mobile citizens:** How does the bank's credit evaluation process address the needs of mobile citizens, such as those frequently moving between EU countries?
3. **Data sources:** Are the data sources for AI credit evaluations standardized across different EU Member States, ensuring fairness for citizens residing in different regions?

xlvi. Art. 46 CFREU – Diplomatic and consular protection [state based provision]

- **Short explanation:**

Article 46 of the Charter grants EU citizens the right to diplomatic and consular protection from any Member State's embassy or consulate when outside the EU and their own country lacks representation. This provision supports the practical application of EU citizenship and fosters European solidarity. It is directly linked to Article 20 and Article 23 TFEU, which outline similar rights and confer powers for the necessary implementation of protection measures abroad.

- **Guiding questions:**
1. **Diplomatic or consular services:** Are diplomatic or consular services used as part of the verification process for citizens residing abroad?

xlvii. Art. 47 CFREU – Fair trial [state based provision]

- **Short explanation:**

Article 47 of the EU Charter of Fundamental Rights is centered on the right to an effective remedy and to a fair trial. It encompasses the principles of access to justice, ensuring that any person whose rights under EU law are violated has the right to a fair and just legal remedy. This includes the necessity for transparency and clarity in any judicial or quasi-judicial process.

- **Guiding questions:**

Transparency of Decision-Making: Does the AI system adequately inform users that a decision is derived from an algorithm? What measures are in place to ensure users understand this?

Reliability Communication: Does the AI system provide information on the reliability of its outcomes, such as error rates or confidence intervals?

Reversal of Burden of Proof: Does the use of the AI system in any way imply a reversal of the burden of proof that could prejudice the defense's ability to contest the evidence?

Explainability of Decisions: Is there a clear explanation accessible to users about how and why decisions were made by the AI system?

Influence on Decision-Making: Is it clear to what extent the AI system's output influences overall decisions in a legal or quasi-legal context?

Redress Mechanisms: Are there adequate mechanisms in place for redress or appeal if the AI system causes harm or an adverse outcome?

xlviii. Art. 48 CFREU – Presumption of innocence and right to defense [state based provision]

- **Short explanation:**

Article 48 of the Charter guarantees the presumption of innocence until proven guilty in legal proceedings. It mirrors Article 6(2) of the European Convention on Human Rights (ECHR) and applies both in criminal law and in procedures where severe sanctions are imposed. This principle also applies to EU competition law and other legal proceedings involving sanctions. The right ensures that the burden of proof lies with the prosecuting authority and promotes fairness in judicial decisions.

- **Guiding questions:**

1. **Presumption of Innocence**: Does the AI system avoid prejudging an applicant's creditworthiness based on incomplete or past data?
2. **Transparency**: Can the applicant access the data used to assess their creditworthiness and challenge any inaccuracies?
3. **Right to Defense**: Is there an avenue for applicants to appeal or contest the AI's assessment of their creditworthiness?
4. **Fair Treatment**: How does the AI ensure the equal treatment of all applicants regardless of their previous credit history or background?

xlix. Art. 49 CFREU – Principle of legality and proportionality of criminal offences and penalties [state based provision]

- **Short explanation:**

Article 49 of the Charter protects the principle that criminal offenses and penalties must be clearly defined by law (legality) and must not be excessive in relation to the offense (proportionality). These principles limit both national and EU powers to create or enforce criminal laws, ensuring fairness throughout the legislative, interpretative, and enforcement stages of EU and national law.

- **Guiding questions:**

1. **Legality**: Are the rules for assessing creditworthiness clear and accessible to applicants?
2. **Proportionality**: Is the assessment of an applicant's credit risk proportionate to the financial data used, avoiding overly punitive decisions?

l.   Art. 50 CFREU – *ne bis in idem* – the right to not be tried or punished twice [state based provision]

- **Short explanation:**

Article 50 of the Charter enshrines the principle of *ne bis in idem*, preventing an individual from being tried or punished again for the same offence within the EU after a final verdict. This principle ensures fairness in criminal proceedings, safeguards finality of legal judgments, and applies broadly across the EU's criminal law framework and administrative sanctions resembling criminal law.

- **Guiding questions:**
1. **Consistency in Decision-Making:** Does the AI system ensure that applicants are not penalized multiple times for the same financial misstep?
2. **Transparency:** Are the criteria and decisions of the AI clearly explained to ensure there is no double evaluation or punishment?
3. **Review Mechanisms:** How does the system prevent repetitive evaluations of an applicant's creditworthiness for the same issue?