



Disruptive Technologies in the Public Administration Sector: Legal challenges

ETAPAS

Online Workshop

25th November 2021

**Video conference by:
The ETAPAS Project Consortium**

About

Technological advancement is steadily accelerating. “Disruptive technologies” such as AI, Big Data or Robotics not only offer a wide range of opportunities but might also pose unprecedented problems and challenges.

To enable an ethically sound adaption of such disruptive technologies, the H2020 project “ETAPAS” (Ethical Technology Adoption in Public Administration Services) investigates the implementation of Disruptive Technologies in the Public Administration Sector. Its aim is to develop tools supporting public administration in the assessment and management of the ethical, social, and legal challenges of disruptive technologies.

The upcoming workshop on “Disruptive Technologies in the Public Administration Sector: Legal Challenges” places an emphasis on fundamental rights implications and the EU draft on AI Regulation. The workshop will encourage a public discussion among different stakeholders to promote a better understanding of the common legal challenges public administrators face.

The online workshop is organised by the ETAPAS project consortium at the University of Graz.

<https://www.etapasproject.eu/>

Outline

- 25th November 2021, 09:00 – 13:00, online
- Panel I: Disruptive Technologies & AI Regulation
- Panel II: Disruptive Technologies & Fundamental Rights
- Registration until 22 November 2021 via [Eventbrite](#)

Keynote Speakers

- Andrea **Bertolini**, Saint’Anna School of Advanced Studies – Pisa, Institute of Law, Politics and Development
- Elena **Buoso**, University of Padua, Department of Public, International and European Union Law
- Paul **Nemitz**, Directorate-General for Justice and Consumers, European Commission
- Karl **Stöger**, University of Vienna, Department of Constitutional and Administrative Law, Chair of Medical Law & Deputy Head of the Department for Ethics and Law in Medicine

Timetable

Online Workshop

November 25 2021, University of Graz

09:00 – 09:30	Introduction	
	Roberta Lotti	ETAPAS Project Manager
	Uni Graz	Introduction to Legal Aspects of DTs in the Public Sector
09:30 – 11:00	Panel I: Disruptive Technologies & AI Regulation	
	Andrea Bertolini	Artificial Intelligence does not exist! Defying the technology-neutrality narrative, in the regulation of civil liability for advanced technologies.
	Paul Nemitz	Democracy, Rule of Law and Artificial Intelligence Josef Baker-Brunnbauer, SocialTechLab.eu
	Panel Discussion	Markus Fallenböck, University of Graz Tatjana Evas, European Commission Daniel Tögl, Parkside Interactive
11:00 – 11:30	Coffee Break	
11:30 – 13:00	Panel II: Disruptive Technologies & Fundamental Rights	
	Karl Stöger	Which fundamental rights are particularly affected by AI and do we need new fundamental rights for the digital age?
	Elena Buoso	Disruptive Administration: The thin line between efficiency and legality Elisabeth Paar, University of Vienna Severin Kacianca, TU Munich
	Panel Discussion	Viktoria H.S.E. Robertson, Vienna University of Economics and Business & University of Graz Giovanni Zaccaroni, University of Malta
13:00	End	

Keynote Abstracts

Andrea Bertolini

Artificial Intelligence does not exist! Defying the technology-neutrality narrative, in the regulation of civil liability for advanced technologies

Too often legislators' resort to umbrella terms to address a broad spectrum of applications. Artificial intelligence, robotics, platforms are all extremely broad and insufficiently defined terms in a technological perspective, encompassing a wide array of extremely diversified applications. At the same time, given the diffusion of said terms in the public discourse, the temptation to address them unitarily, and so regulate them as such is very strong, due to its apparent simplicity. However, if – as of today – capital markets, toothbrushes, cars, the medical and legal professions are regulated separately – even with respect to a sufficiently narrowly defined issue such as liability –, why that ought to change in the future, simply because – extremely different – AI-based applications might be deployed in those domains, remains unclear. The presentation will challenge such an approach by considering the recent proposal of the European Parliament on the regulation of civil liability, by discussing its technology neutral approach.

Paul Nemitz

Democracy, Rule of Law and Artificial Intelligence

The return of the law rather than ethics as the means to set the rule for artificial intelligence marks an important turning point to the Commission proposal of April 2021 for a regulation on artificial intelligence. It is not only an important milestone in ensuring the compatibility of future technologies with basic values of European Union. It is also a signal together with other legislation proposed pertaining to the digital space, that the European Union takes serious the primacy of democracy over technology and the fact that the law is the most noble expression of democracy.

Karl Stöger

Which fundamental rights are particularly affected by AI and do we need new fundamental rights for the digital age?

There can be no doubt that disruptive technologies like AI present a major challenge for the legal system, including fundamental rights. However, does this also mean that fundamental rights in their current state are “overpowered” by disruptive technologies? The presenter will try to demonstrate that this question can (still) be answered in the negative.

Elena Buoso

Disruptive Administration: The thin line between efficiency and legality

Technology, when used rationally, is one of the key factors for an efficient and impartial administration. Development has led to disruptive innovations in the public sector, that dramatically increase its functionality. However, it requires reflection on the role of the human factor in the administrative decision-making process, and on the assurance of public and individual interest. It is also necessary to ensure a strict principle of legality of public administration and clearly identify the purposes of public action, which ICT must follow and not determine.

Participants

Keynote Speakers

Andrea **Bertolini**, [Saint'Anna School of Advanced Studies](#) – Pisa, Institute of Law, Politics and Development

Andrea BERTOLINI is assistant professor of private law at the Dirpolis Institute, and adjunct professor in private law at the University of Pisa. His research ranges from private law (contracts, torts and the law of obligations) to technology regulation (Robotics and AI), and bioethics, with a comparative and law and economics approach.

Elena **Buoso**, [University of Padua](#), Department of Public, International and European Union Law

Elena BUOSO is Associate Professor of Administrative Law at the School of Law in Padua since 2015. She has a PhD in Constitutional Law (University of Ferrara, 2006) and has been visiting fellow in several Research Institutions (Max-Planck-Institute for comparative public Law in Heidelberg 2007-2008; Humboldt Universität zu Berlin 2009; University of Reading 2011; Universidad de Alicante 2019); visiting professor at the Julius Maximilian Universität, Würzburg (2015-16) and appointed professor at the Universität Innsbruck (since 2017). She is interested in administrative and constitutional law as well as in environmental, planning and digital law.

Paul **Nemitz**, Directorate-General for Justice and Consumers, [European Commission](#)

Paul NEMITZ is the Principal Advisor in the Directorate General for Justice and Consumers of the European Commission. He is a Member of Commission for Media and Internet Policy of the Social Democratic Party of Germany (SPD), Berlin and a visiting Professor of Law at the College of Europe in Bruges. Nemitz is also a Member of the Board of the Verein "Gegen Vergessen – Für Demokratie e.V.", Berlin and a Trustee of the Leo Baeck Institute, New York. He chairs the Board of Trustees of the Arthur Langerman Foundation, Berlin.

Karl **Stöger**, [University of Vienna](#), Department of Constitutional and Administrative Law, Chair of Medical Law & Deputy Head of the Department for Ethics and Law in Medicine

Karl STÖGER is Professor of Medical Law at the Institute for Constitutional and Administrative Law at the University of Vienna since 2020. Before this, he was Professor of Public Law at the University of Graz. His main areas of research are medical law (esp. hospital law, professional law, recently increasingly epidemic law and legal issues of AI in medicine) and the law of administrative procedure.

Panelists

Josef Baker-Brunnbauer, [SocialTechLab.eu](https://www.socialtechlab.eu)

Josef BAKER-BRUNNBAUER worked in different industry areas for start-ups and established companies in international projects for market leading clients. He is consulting companies about business model innovation, product innovation, change and digital transformation projects through his consulting company and leading research projects. He is an entrepreneur, founder, consultant, coach, speaker at several international events and a facilitator between start-ups and established companies.

Markus Fallenböck, [University of Graz](https://www.unigo.at)

Markus FALLENBÖCK is Professor for Technology- and Innovation Law at the University of Graz and partner of the Fintech Own360. His research focuses on the questions that arise from digital products and platforms with a focus on data-driven marketing, Fintech and innovative content products. He has authored several books and articles on IT- and Technology Law.

Daniel Tögl, [Parkside Interactive Graz](https://www.parksideinteractive.com)

Daniel TOEGL is Director at Parkside Interactive and responsible for the company's consulting and AI services. With his track record in Management Consulting across Asia and Europe, combined with his quantitative background in Financial and Actuarial Mathematics he fills strategic advisory and program management roles for complex digital transformation projects across industries whilst founding a globally acting IT-start-up and a Green Tech company in Thailand. He is currently a PhD candidate at University of Antwerp at the Faculty of Business & Economics.

Tatjana Evas, [European Commission](https://ec.europa.eu)

Tatjana EVAS is a Legal and Policy Officer at the European Commission, DG CNECT and Associate Professor of EU and Comparative law (on leave) at Tallinn University of Technology. Her current research work focuses on the regulation of new technologies, use of AI technologies in courts, and methodology for impact assessment. Most recently, she authored EPRS European Added Value Assessment on Civil Liability Regime for Artificial Intelligence (2020) and European Added Value Assessment on European Framework on Ethical Aspects of Artificial Intelligence, Robotics and Related Technologies (2020).

Elisabeth Paar, [University of Vienna](https://www.univie.ac.at)

Elisabeth PAAR is a University Assistant at the Institute for Constitutional and Administrative Law, Department of Medical Law, at the University of Vienna in the team of Prof. Karl Stöger. Her main fields of interest are technology law, constitutional law, procedural law, medical law and legal theory. In her doctoral thesis, she analyzes the constitutional limits of the use of AI in court proceedings.

Severin Kacianka, [TU Munich](https://www.tu-munich.de)

Severin KACIANKA is a researcher at the Department for Computer Science, Technical University of Munich, Germany. In his research he investigates how accountability can be formalized and operationalized in software intense systems, such as robots or drones. Furthermore, he is working in an interdisciplinary project that focuses on embedding ethics into agile software development processes.

Viktoria H.S.E. Robertson, [Vienna University of Economics and Business](#) & [University of Graz](#)

Vicky ROBERTSON is Professor of Commercial Law, Competition Law and Digitalization at the Vienna University of Economics and Business, where she heads the Competition Law and Digitalization Group. She is also Professor of International Antitrust Law at the University of Graz. Her research focuses on the application of competition law in digital markets, including aspects of data protection and democratic deficits. She is the author of *Competition Law's Innovation Factor* (Hart Publishing 2020).

Giovanni Zaccaroni, [University of Malta](#)

Giovanni ZACCARONI is a Lecturer at the Department of European and Comparative Law of the University of Malta. Previously, he has been Postdoctoral Researcher in EU law at the Brexit Institute, Dublin City University and Postdoctoral Researcher in European Law at the University of Luxembourg. He has been, until 2020, Adjunct Professor in European Union Internal Market Legislation at the University of Bologna, Rimini Campus. He is also Member of the International Society of Public Law and of the Società Italiana di Diritto Internazionale e dell'Unione Europea.

Additional Resources

Provided during the event

Hamburg Theses on the use of AI in public administration

<https://www.zukunft-der-verwaltungsgerichtsbarkeit.de/media/pages/ki-und-verwaltung/709898829-1580462498/9-theses-en.pdf>

Designing Accountable Systems

<https://dl.acm.org/doi/10.1145/3442188.3445905>

European Commission public consultation “Civil liability – adapting liability rules to the digital age and artificial intelligence”

https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12979-Civil-liability-adapting-liability-rules-to-the-digital-age-and-artificial-intelligence/public-consultation_en

Fundamental Rights “Hitlist”

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-artificial-intelligence_en.pdf , pp. 57

Using artificial intelligence to make decisions: Addressing the problem of algorithmic bias

https://humanrights.gov.au/sites/default/files/document/publication/ahrc_technical_paper_algorithmic_bias_2020.pdf

Critique of codes of conducts and our ideas how to solve it

<https://link.springer.com/article/10.1007/s13347-021-00451-w>

Medical Artificial Intelligence: The European Legal Perspective

<https://cacm.acm.org/magazines/2021/11/256384-medical-artificial-intelligence/fulltext>

Website of the court of appeal of Brescia, dedicated to the predictive software that the court is using on an experimental basis

<https://giustiziapredittiva.unibs.it/categorie/122>

Dipl.-Ing. **Annamarie Hofer**

Science Management & Science Communication

+43 316 380 - 8305

Department Iris Eisenberger

@graz_innov_law

Institute of Public Law and Political Science

University of Graz

