2023-02-28

last year started before my colleagues, Dr. Machado and Danica later and it was a bit different introduction of course. So the only things that I can say that if those that are programmed can pick up some classes from the recorded material. That's fine if they want to prepare because, for instance, for working reason, no chance to attend the classes. I think that is enough to pass the exam. And more or less the topics are the same, but of course there are some news of course, every year the same role and our discussion that sometimes are different or consideration that are different. So, this is not prevent those debtors and progress to pass the exam using that material. But at the same time this is not a limitation about the fact that I have simply to repeat what is already recorded last year. So this just to show the differences that is up to you according to your specific situation. They make your decision take care that she does but of course, today and in general, this course is focused on the situation that exists nowadays. Last year was here before with some slight difference and those intensive interactions and math courses challenges and this also to be supported. So this is just a general comments or warming about this issue that for me is not a problem is that students or one or two other students. Unfortunately I have quite used huge classes in other courses and you any concern about the dimension of audience. But in terms of your experience, I think that is much more useful to sustain class because in class interruptions but of course if you interact if you can't sleep, maybe it's better at home that is more comfortable, but this dish. So regarding what we have say yesterday about the introduction on this topic and syndrome, we have any thoughts any question? I usually ask always about the previous class, just to fix some issues. So if something that was not clear, please raise your hand. Mostly because what is not clear to one, maybe not too many of you. So it isn't for everyone. I mean until there is the exam you can ask everything and you can also make mistakes in reconsidering what we have already discussed in the class. Okay. So if there are any question about what we said yesterday consideration that we have made please ask now Okay, so let's go on it.

If I correct you remember we stopped for less than this. Like, that was about the organization of the main actor in shaping the legal framework. As I said yesterday, this is just a general introduction to the basics. To understand the consideration that we made then on the specific topic of data protection. So in terms of shaping the legal system, we have four main actors, and it's important to consider the role and how they interact. By the way, we start at four, so we make break at 530 Okay, so you need one is 530 because they want to speak okay.

So, this actors are different, as we say that there are some differences also in their relationship in the different system. We already discussed about the common law and the Similan. So in the relationship between low and coarser, all the system have lost all the system courts, but of course, the balancing and the role can change according to the system. As we have seen in the common law, the role of the courts is much more relevant and in the civil law. The law is much more relevant, although we have seen that there is a progressive convergence between the two system. So there is a reliving sort of relativism the equilibrium among these parts. So the law is what fix something, but there is a yesterday the law is a vaccine should be interpreted. And this is the role of the courts don't understand the system. You have to know the law and you acknowledge their position. So what is the jurisprudence? The back of the children that the court taken about this specific piece of the third level is represented by the legal scholars, the legal scholars are those that interact with the first two suggesting to the court the suggestion to the makers sounds best specific solution to the problem that society right. And this is the first rule to compensate the lack of time with that said, judges and minds of parliament have an in terms of studying the topic, they have no time to dig in the topic for years. So they can benefit from their reserve reserves.

In general, so this is the role of the legal scholar. The third the role is to represent that third axis

is represented by the International. The international law firms are relevant because as we said yesterday, mandatory obligation comes not only through the law, but also from the private agreement from contracts. And coming from contracts. Of course the blue shape is contracts indirectly shaped the relationship among the parties. And if you shape the contract to large platform for big companies, you shape an entire area and entire market. So the role of some few big law firm at the international level is quite relevant because they create the scheme is of course although all the foreign actors are relevant. That relationship that exists among them is quite different. Your sense, in the sense that the law firm is true that are important. In setting that day to day regulation regression we can say of the driver to relationship, but at the same time and interpret a new interpretation of the code about a specific clause in our contract can radically change the work so they can't put a lot of effort in design that you beautiful contract. But if the court says that that's a clauses in the contract is not okay, it's not acceptable they have to remove so they have to respect the judgment of the court. The court is true that that as this kind of force in order to shape society, but it's also true that you can have those decisions for many years about a topic that point to one specific direction. But if the legislator change the provision, and the side of for instance, that was said by the court in terms of acceptability of some solution is not acceptable is forbidden by the law. The law change radically all the staff down by the court for the last years. So this to point out that the relationship in terms of force among these four actor is not the same. Some of them can impose in a stronger way they view on the others so the law is the strongest one, that we have the court and then we are the operators of the by the application. It's also true that the situation has been more complicated because it's true that the law can change the course but the courts can provide a new interpretation or then up some law. So that's a bit more interactive. But it is important to ask this idea of the powers that the original powers these different acts. As this is a model that works more or less you know the legal system or the legal system, we have this axiom. Of course, in some countries, some of them are more relevant or less relevant, it depends by the structure of society, not only a decision between common law and the law, also the importance, for instance of the academia or the importance of the law firms or the structure of the firms is an outside country like China in which law firms are stronger and well developed owning specific sector like IP law for the rest of there is not very good support in terms of law firms. So, it depends on select Find the specific country or market but this scheme can be used to provide an interpretation in general of all the legal system. Please can you see an example of international law? Yeah, international law firm, usually big firm that's on that port, someplace usually in the big city in New York, London. And other subsidiaries in many, many countries. And what, what is the advantage of this kind of law firm? If you have a multinational if you're a multinational company, of course, you need a legal support that assists you not only one country, but disabled to support you in all the countries in which you work. Of course, make companies have internal legal staff. But this usually do not put a band down to ask for external legal advice. Because internally your staff can work on specific issues for instance, product development, conformity check, etc. But the most challenging and more technical issues sometimes need experts and need expert for specific task I give you an example. I was asked to investigate the topic of connected cars. When we start discussing Of course, who asked that was a company car company that at a legal stuff, but the legal stuff with the company is not focused on this topic is focus on the contractor or the supply chain is focused on the terms and liability for damages, but not specificity. So they ask in this case, to academics because was a new topic. Imagine the same to a big law firm. So is a form of outsourcing if you want to ask for love. And even more. The aspect is that the big law firms have presence in many countries. So if you are Google or another company, and we have to face the problem of new issues related for instance, freedom of speech in different countries content moderation in different countries. Of course, you need expert for each country. The big law firm can in one day, if you have no more reports, because ask to them all airport and in each country to sell a couple of pages about the regulation in terms of frequent inspection and we have a report in one week. The same is not possible for a smaller firm, and the same is a bit more challenging for thermostat. Of course there are also companies that invest a lot in legal stuff. And so they have internal services that can provide this kind of activity. But in many case reasons. If you look at the big tech, I know this division more or less in Europe apart Google meta data they have not a lot of legal stuff is different for instance for Microsoft to meet more staff, and IBM that is more traditional, is also related to the maturity of the film. A firmer like IBM that works since many years with governments and to really focus more on the legal system on the local issues and make contact with public administration have to follow the changes at national level and blah, blah, blah. So we can spend some time to answer all this stuff in person because there is enough work to continue to work back to the international law firm can provide this kind of services. While a national law firms are not able because they focus on the national level of an international firm you can speak in about that, and groups of people, hundreds of people around the world the big stuff, at least in terms of legal market is the rising model. They are colonized in many countries, for instance, in Italy since then, 15 years ago. Law firms were basically Tania law firms, but now there are many coming from US or UK that have merged or local law firms and be proud of this government. Because the problem more and more global. If you have a big clients big and expensive, so they have big clients. And big guys usually do not play only one market. They play global and playing globally need to have support. It's okay. Okay, so this is something that usually is not in the book, or in the book. Usually the resulting locker said that sometimes he gets poorer, but there's not attention to law firms. That is poster presentation is a theoretical representation because a lot of what is there we are inaction law we can say camps wrong, that kind of activities contract that's a precondition, supply chain, regulation, self regulation all comes from this category.

if you have questions during the discussion, the glasses made by your Liga and this is not a traditional Italian class in which you simply take notes about what I said. So, if you have any doubt question that this related to discussing please write your another point that we have to take into account when we talk about regulation is that regulation as different levels is not only different from a country to another, but those inside the same country may have an interaction between different levels different systems. In one sense, in the sense that for instance, if you can see that European countries you have a national law of Bursar, but you have also some regional regulations, some regional law we can say that might be relevant for some aspects going into state that topic of data protection. There are countries in which the oil sector is regulated at regional level, partially the greater regional level. So if you develop some services for hospitals or health services in general, we have to take into account the national law, but also the original offer some accidents. So we have an interplay between two different kinds of legal framework that are related to different dimension of the territory that we have to consider that in new countries. But it's the same in the states in federal countries like Brazil, Canada or us. There is also an the level that is the supranational level, level in the federal state and EU level European Union that also impacted significantly on the regression. Going back to data protection, the main piece of law in terms of data protection is the GDPR that's, you know, regulation. So it's not something that comes on the nation states, the member states, but comes from Brussels, European Union. So, in this sense, when we talk about the legal framework, we have to consider also this interplay between different level of rule makers we can say. So a national, national, regional, and you can also add international because I don't know because I have two courses. That are overlapping in this introduction. I don't know if I mentioned we do that aspect of international law. And international law regulates the situation that mix between one country or another. Typically when you buy something in another country you buy in Spain, but you are in Italian, Italian person, this is an admission of international relationship, because there are two nationalities, the nation of the 1000 can say. So to clarify the applicable law because the problem is what is the law that we have to apply? There are international treaty that fix rule for international private law. And this is Rwanda for instance, in the ICT sector.

years ago, we had several cases about ecommerce, selling all through online platforms sound gosa that in some countries are forbidden or selling goods, distributing them in some countries and then having some damages using that product in that countries. So which law we apply the law of the country which damage happened, the law or the provider of the services and so he's not consistent with our cause to dig in international, private law, as he just to mention that there is not only the regional, national and EU level or federal level in other countries, but it's also the International and international level is the level that speaks some harmonizing rule among many countries. If we focus on data protection, an example of international integration and the protection that we discuss is the conversion of weight. The conventional one away to nothing when it comes to Europe is an international convention among the member of the consumer Europa, that includes all the member of the European Union that are committed to follow some principles in the field of data protection right now after the GDPR is not so relevant for the EU countries.

But yes, ago before the GDPR and before the EU directive in the fall, prevention was the only pieces that set some general rules in Europe on data protection, and between 1982 When was adopted till 1995 When we have the first directive the main reference to the main mother to draft national law in Europe it was represented by this international treaty. So you see that affect the impact of international law also at national level. Of course, there are some differences. I anticipate something that is in the next there are some differences between these instruments. Inside the sector, the regional or national instruments are not is not a problem or different forces is mainly a problem of competence. Some topics are for regional competence, other are for national, but in terms of force, the instrument and the same via the natural being, regional law or international law. But of course, outside that state, we have some problem. Why we have some fraud because the state as we said as a main logic in applying the law, the territory so if the US if you make it possible that some entity outside of state, like whether government, like European Union, or international bodies, create some legal provision that may have an effect in your territory. It means that you have to reduce your seller vanity on the tariff

. So the first requirement is that all the state need to have some provision, typically in the Constitution that make possible under certain circumstances to reduce the serenity in favour of international or supranational bodies. Because this is the first step if not, the general rule is that the state make the rules for the time. You have to squeeze a bit the role of the state to give room to another entities that is federal, state and federal countries or European Union in the EU, EU countries or that international bodies. One we have an international treaty based on this self limitation we can say all over the state power in the country. The states can accept that the sub rules that are not made by the state according to the traditional process parliamentary process can have an effect in the count. Of course, that traditional way sterically see this kind of process based on agreement between states

25:42

and the reason is that the states need to find a way to regulate some issues that are not all international. And data is a typical example where we are convention one away 398 Two because the 98 issue we need to share data. We start using computer for welfare state services. And we start to realize that some information we need some information coming from other countries or we need to share information with other countries. But of course, the condition to share information to other countries is that the other countries provide the same level of protection to the information that we have. If not you share the data to another country. And this is for the data, which is consistent with our correspondence also for all the aspects where we have international agreement. There is a 12 an international agreement is that some aspect in the market or in the relationship among the state that needs to be regulated. For instance, another convention of the country European Cybercrime Convention. Also the word convention is an international convention on cybercrime. Why because crime is not a national issue is an international issue.

We have that level of cybercrime many times our global assets or regional actors, they cannot be matched on a national level with psychoeducation we need some interaction in order to react properly to this. So we need some agreement also in terms of sharing information about the people on the investigation. So doing that we need an agreement between the states to act the same rules. These agreements are the international agreements. Of course, the agreements are between the states what it means. It means that act between the states and do not produce law that is applicable to the citizen of the states. So they need to be implemented. So all the international agreements need an implementation by the states that agree to make a convention or treaty center in order to implement that convention, that treaty, whatever it is, in the question went away, for instance, set some rules and principles and then some data protection and based on that protection, several countries in Europe created the all data protection law or change the existing data protection. But it's an important point that agreement at the international level among states, you need an implementation at the national level through national laws with a fortnight waiver. The European Union started with the same approach. So stuck was created through treaties of the European Union that are agreement among states but the system of European Union is a bit more is a stronger system compared to international law. Because we have not only instruments that are direct to the states that are the directive, but we have also recently rented data India degree applicable to all the people in Europe that are the regulation. So the way in which your opinion your work is in the middle, between the international law traditional agreements between states and the state board. Because we the directive acts like an international law, it means that create a piece of law that is a model for the member states that have to implement, it means that they have to adopt some provision using the national law that are consistent with the principal that will set in the direction. If they adopted the regulation, the regression is immediately applicable to the states to the people in the States to the Congress. So you're not you don't need any kind of implementation. So acts like any recent law in a state and the federal state, okay. So, that to instrument and it's important to understand the differences not only with regard to the implementation, but also with regard to the logic that is because the distinction in using a directive or using a regulation is not something that is based on today, we prefer one or the other, but it's strictly related to the main goal. of European Union. What is the main goal of the European Union?

It means that you have some provisions using the national law that are consistent with the principles that are set in the directive. If they adopted the regulation, the regression is immediately applicable to the states to the people in the States to the Congress. So you're not you don't need any kind of implementation. So acts like any piece of law in a state and the federal state, okay. So, that to instrument and it's important to understand the differences not only with regard to the implementation, but also with regard to the logic that is behind because the distinction in using a directive or using a regulation is not something that is based on today, we prefer one or the other, but it's strictly related to the main goal of European Union. What is the main goal of the European Union?

What is the main goal of European Union? So we make a better European Union catch this piece also? Alone. I don't want to go over. But yes, among the member states, the creation of European Union of course reduce the opportunity, the chance of conflicts that format is tied to the euro area. Visa, of course, is one of the goals but the original of the EU is not for peace.

Connections. Production for what? Because you connect in order to achieve some result the price you want.

Change the order of the elements because you mentioned the regulation or the process. For the market. There are there are various deposits create a market as a consequence of rules for the markets. But yes, your reading of European Union as you should know comes from the previous experiments of some agreement that up on a specific market idea and then extended to all the European markets. So the idea is to create a market a market that make easy the flows of goods and services. So we brigade what is a national market? But if you want a market, of course, what are the challenges to common market? What can limit traditional barriers in terms of exchanges among countries taxation for the center of course, but an important limitation can come from regulation. Why? Because if you have to produce a car and in Spain to sell the car you have to follow some technical requirements that are set by the Spanish law authorities. But in Germany, these regulations are different. And they in Italy are different and imagine are different. So what is the impact? The impact is that no, you are going to your country or you spend a lot of money in order to be compliant to customize the same product for the legislator, you know we can of course this is a buyer in order to create a customer. So in the Common Market, legal bias in terms of fragmentation of the legal requirements. So for this reason, as mentioned by your colleague, one of the goals and the main goal from a legal perspective on European Union is to our own eyes legislation among the member of the European Union. So the monetization is the goal from a legal perspective because these are monetization. So the common mark our musician, we have to focus a bit on this process of urbanization also because by the way is the urbanization. First, we have to consider if the purpose is in the market, European Union is not interested in the harmonization of aspects that are not so related to demand. So for instance, there are no initiative in their monetization of family law, because who cares is a permanent is not a product market. And by the way, the aspects that are not related to markets are related in many cases, to very interactive aspect of society. So aspect like family, or other kinds of interpersonal relationships are very context based, very related to specific society. And from Poland to Spanish to Spanish. There is a bit of difference and live from Italy to Norway. And so it's quite difficult to imagine normalization in the aspect that are very related to the session structure. And by the way, is not so relevant from a market perspective. You can say, Oh, we have data protection that is fundamental right to say that yes. It's true. Over the years, we extend the EU regulation also to ask whether they're not strictly related to the market, we have our BM Charter of Fundamental Rights. So we consider also these aspects but to be honest, we have to meet that all these fundamental rights are basically seen through the lens of the market at European level. And this is crystal clear. If you look at the protection law, for instance, it's true that protects the rights of your data that is a personalized data. Episodic rights is a fundamental rights and whatever you want. But the main reason to create that piece of law was not to protect your privacy, your personal data, but my possible the market and the sharing of personal data. Okay, then, of course, compared with other country, US, China, or some country in Africa, when there is no regulation or they have very market oriented regulation, in which the data are freely shared, or sold or merchandise in any way. The European Union as a more fundamental rights oriented approach. And this made the difference we have two main main goal was not to protect the personality rights or the fundamental rights the main goal was to create a digital digital economy. In line with our values, this market is created taking into account those fundamental rights that is much rather than an assertion by the first goal remains and is clear also in the recent proposal, that we discuss at the end of this course. If you look at a proposal on AI, the focus is on AI risk application. What it means because maybe low risk or major risk application will not affect the person of course, they will affect in many cases and much more pervasive. Because the iris application is using biometric in very specific area one arrives, etc. Why some application that we use a smartphone that collect some biometric data sonnenfeldt data center and using something or maybe something a bit more invasive a spread in the society, although the risk is more limited, but the stochastic accumulation of the risk is quite huge. So in this sense, why we stopped only to high risk applications. First, because we need to invest in the market Ovi and if you've created too much barriers in our regulation, if it gets too expensive to invest in this sector, and Europe is not exactly the best place that we invest in the AI because we have not a lot of changes in the SEC. So in order not to limit an area that is already suffering. We have to limit the regulation to the iris case, which is not exactly a fundamental rights approach because fundamental rights can be of course, more severely affected in the case of virus but also medium or low risk. So this is justice profiter. What is the main goal of the uric lisch? Again, market of course much better than our system because the market also consider the market as the main goal. So to do that, it is mainly a market problem what is the challenge in our moralizing? The regulation and what is in the regulation means that you have this situation. There are countries that have, by the way was exactly the situation that we had in data protection law before. We have countries like in data protection, Italy in Greece, in which we have not regulation in terms of data protection. There are countries in which we are regulation since when he is like Germany. But there are differences in some countries. The law data protection cover only public data data managed by public authority in other countries cover also private companies in some countries covered both private and public but only sensitive data. Now specific tables like as data. So there are okay, so imagine to be representative of one of the member states, either of your union, and to be around the table in order to negotiate the future European Framework on data protection and is the same for the future security framework for AI space or whatever he wants. What is your main goal in negotiating the situation is country with no regression can't with Russia regulation. A variety of regulation. You can refer to any one of these standards if you want to change. So what what do you want in the negotiation for the new piece of law that we regulate? In Europe, so awesome Europe,

what do you want to the companies of my country?

Okay, so first, you're concerned about the impact on your companies on your math. Okay. And this is true it's so know the fact that we are concerned about that what is your position in the negotiation what is your position

you want to give yours or normalcy to Norway. But you tried to convince the other partners that your country approach could be the European approach. Okay. That is exactly the game that you see every day in the parliament or in the commission in Europe. Because it's true that we all agree that we need this if you wish, but if closer to my country is much better. This is because it's much better because changing the rules as a cost for the system. So your company to comply with the new rules as to address and costs and is not only that, your company time. But if this rule are the rules that are very close to the rule of another country, in that country, the company should not invest in order to change because we are already in line with the new regulation. And so they have a competitive advantage for the time in which the other countries have to update to upgrade the existing framework. So there's a very issue in terms of regulation and the impact than the competition of adopting one scheme or another. For this reason, the most savvy countries in Europe usually fight a lot in regression. Italy in the bus was better in this game. Now. Our members of parliament in the EU parliament are a bit distract. They're more focused on other issues. Some related to back so some years, but with some friends from Greece, but this is the problem, but the big players, Germany in the past UK, France, also small players, Malta has known for years, but a very specific interest in gaming because it's the first country in online gaming management. And so of course when we discuss about gaming is very very sensitive on that topic. So all the candidates make play this game. So for this reason, it's very difficult to harmonize your integration and expand here because we need the general agreement among all the member states, about some prints, add for this reason, we have this to install and rubbish. Because you cannot imagine in a field in which there are many differences to start with a regression because regression we have said is a piece of law that immediately applicable in the same way you know, if you started in a regulation, it means that everything that is on the topic is destroyed and everything should be complied with to you. If this is a topic that was not harmonious before of course is a strong shock for many countries. So for this reason, when there is a lot of data a lot of differences are very critical sector. Usually there are two step approach and this was happened with the data protection. We started with a directive because the directive fix some principles and rules is addressed to the states that have to implement the directive what it means. It means that directly user include the submarginal for it, they in order to implement this principle in a stronger or softer way. So as a first step in therefore monetization, for instance, that the protection directive adopted in 1995 acts that some important aspects have to be fixed, for instance, having a data protection alert were canceled or not. And then dividends and other Protection Authority that our country we should liquidate in order to select to the composition of the members of their authority. We're not in line with the principal and difference because we're dependent but every second gen xers are concerned that blah, blah, blah, I will not anticipate this part. So we set some general principle. Of course, there is margin of maneuver because when you say that you need an independent data protection authority inside country to be independent you will be with me means to be appointed by the governor. In another country being dependent means that we are founded by the kingdom because the king is consider as the ad of the state and over the pockets like may there or Morocco in other countries. So of course, there are ones so the directive made possible to fix some key points by the same time, even a certain standard of flexibility in how to implement a national level. And this may possible at first thermalization first convert without too strong impact on the national scene. After some years in which this monetization is gone, we can make a single step and so having a uniform regulation of member states like FM village in Nigeria defy where the directive and a 2016 we are directly ish. So we spent two years more or less in which we are going to ask a bit the approach among the member says and that we started with a regression that is almost we can say the same, you know the camera, but now in 2016 the country where the situation was mattered in order to receive this more uniform instrument was impossible to adopt the same regulation in 1985 because the divergence was too strong among the countries at that time. Where countries are mentioned either increases or no any data protection regulation. So this is the reason because we have these two kinds of instruments and are not used not random, but are using a political at the same time, to also to point out that this is not always the same a series we have not only a directive and then a regulation. There are also cases we start with a regulation and that two reasons for that. The first reason is that they deal with the right technical issue. If you regulate our plane security or other specs that are very technical is not a part of problem of political party. Because if we agree that the best standard is that one is the interests of all the member states to adopt the standard. So there are some technical aspects that can be matched through regulation directly because we've done a nice negotiation about the member said because in fact on the technical side, and more recently, we have a new instrument basically that was already sent in within the treaty, but no before that is the act. We call about talk about for instance, right now, the AI Artificial Intelligence, the act or regulation, but regulation that are written not in order to normalize exists existing law but to prevent divergence. So, Jim, nowadays, basically, you bodies work in order to memorize what exists. Recently the new step is to act in order to have a uniform regulation before the member state adopts the own regulation. And this is evident in the case where they present an AI act in order to ever appear aggression on AI before that's all the countries start to regret autonomously. That if you look what's happening, for instance, right now in us about the privacy then do the fact that they have not a federal law of protection and they have only some federal sector specific law like the Coppa and the other. Privacy Act and other specific law. Different states have adopted privacy general privacy law, starting from California and then others. Of course, this is crazy now. Huge concern in Washington, because the risk is countries received with good privacy regulation and states that have not and it's not good in terms of market because it's a federal state. And for this reason that our free one is the most important proposal for federal regulation. To avoid the same situation in the European Commission proposed the AI act in order to create a uniform European Framework, the fact that each member state starts regulating Than us.

But although it's fine from a market perspective, you can see this change a lot to the game. In the power we can stay between a mission and Mama says because the yesterday, mama said and you simply our minds, our minds means that take what already exists in the categories as much and create uniform approach more or less. Now, the you anticipate the Member State. So it means that the real place in which we make the law is becoming rather than Paris, Rome, Athens or whatever, capitals in Europe. So it's an important change of paradigm that is rising the role of European Union as a regulator. Not simply an actor, Dr. Mona as was already provided by the National states. And so under the negotiation and bargaining activity, the national state bodies an actor that prevent the action of the national states fits in some rules is an important change of by our mission. So this is in a very short description, how works the system in EU regulation and is important because in discussing about data protection, we deal with regulation and status or we need to have a general idea about this game. And the question because was a bit technical, please.

So let's be about the AI. So the European government is the commission is making this regulation before the end of the Civil countries. So if the countries want to make those about the AI, they are have to follow the general rules made by the committee or those sorts of guidelines.

is technically like a regulation. So he's immediately banding for all people that are in European Union companies naturally.

So he's immediately banned. But we are discussing about the draft of course, because

in the draft, there are some provisions that leave samples from the member states. So the same draft, leave some power to member states. With regard to some aspects. And then there is all the topic that is outside the app. Because as mentioned, the app is focused mainly on the high risk cases. This not prevents the government in Bolander. Greece to adopt a specific regulation for some medium, low risk application, or to ask some requirements, in terms of AI devilment, for instance related to the ethical principle or social impact of other aspects that are not considered by the regulation. So every time that we have a regulations set by the EU in the building of the regulation, each piece of national law can create a potential conflict with this regulation and demand mention that but based on your question, I cannot because the part of the conference a bit more complicated was not imagined to discuss with you but based on the question, just I can mention. So the problem is if you have a multiple levels of regulation, of course there is a risk of conflict. You have a directive, you have a regulation and you have the member state that said some principles that are different. You should not run different, of course, but maybe some difference. So what happens if there is a national law that says something different from a directive, we can say that is a prominent of the state, because the state have to implement it directly. So after that, a piece of law that changed the previous law according to the law. If they don't, the European Union sanction you. You have to pay money. For instance, Italy that like to give the seaside for few money to tourist operators, periodically and also next year, continue to pay for not complying with a bog standard regression. So this is the way in which things and of course your cancer can be very happy to pay every year for Pierre union not to comply, and as a lot of voters from the insurance sector. The same was before I was in Italy but I thought about it. Before we did the main market share regression was some limitation and the northern league for many years was against elimination in order to reduce the production of meat in Italy and we pay for several years will not comply with the director. So the first issues is if the directive is not implemented, you have to pay if the director is implemented, the different regulation pre existing is no longer in force. Because it isn't anymore. With the regulation is a bit more complicated because the regression is immediately effective. So it means that if something that the regulation is against something that is international law, what is international law is no longer applicable. Of course, what is the problem? The problem is that, that in the real world, it's a bit more complicated because it's a matter of interpretation. it's a matter of interpretation. So for instance, if for instance, if I say that they act to focus on high risk cases, but it is munition of virus cases in eriacta. Next three is quite general. In some cases. You can imagine that a national regression, consider some of the cases that potentially are included in that categories as no Iris case. And appropriately as our company can say, Oh, this is Iris. And then I should not say no, this is not iris, and to the fact that the definition I risk in the annex three is not so detailed, is a matter of the division. So the problem of the conflict between reputation and state law is a bit more difficult. Because in 10, of course, we can say are the same length. And when there is a regulation, they exist in national law cannot be longer applicable. But to say that you have to demonstrate that quote, a piece of law, both of the provisions are on the same topic. And for this reason is discussion because it's the topic is not exactly the same. We are going to discussion and this make problem of implementation of the law. You can interpret the your national law in a way that made it possible to circle back the Euro grayish, and for this reason, we have the European Court of Justice, that so this kind of problem with regard implementation or directive and with regard to the contrast with regulation, so there is a court at the European level. That check we can say how you implement the EU law because the state according to the Treaty of Lisbon, treaty of the European Union, is by mandatory for them to implement the euro. And it's a bit more because not only the state have to implement euro, but it's also a general principle that ask you to the charge in the courts to provide an interpretation to the existing national law in line with their PLO. So it means that there is a directive that there is not a steel implemented per set some principles in terms of competition, for instance, and you have a national law competition that is not aligned with that principle. That drive should be asked to provide our needs or position in order to force the national law to be more in line to the provision with the legislation. And this again, is one requirement of the European Union treaties. Okay. So the problem of conflicts between users is a national sources are quite complicated, but more or less International is so in this way.

because as a matter of interpretation, so for instance, if I say that to focus on high risk cases, but there's been an issue of Iris cases in eriacta. Next three is quite general some cases, you can imagine that about regression. Consider some of the cases that potentially are included in that categories as no Iris case and with appropriate which is our company can say, Oh, this is Iris. And then I should say no, this is not iris, and do the fact that the definition I read in the annex was not so the tape is a macro definition. So the problem of the conflict between regulation and state law is a bit more difficult. Because then, of course, we can say are the same. And when there's a regulation that exists in national law cannot be longer applicable. But to say that you have to demonstrate that both a piece of law both of the provision are on the same topic. And for this reason, is discussion because it's the topic is not exactly the same. We are going to discussion and this make problem of implementation of the law, you can interpret to your national law in a way that's made possible to circumvent the regulation. And for this reason, we have the European Court of Justice, that so this kind of problem with regard to implementation or directive and with regard to contrast with regulation, so there's a quarter at European level, that check we can say how you implement the Euro because the state according to the Treaty of Lisbon Treaty of the European Union, is mandatory for them to implement the euro. And it's a bit more because not only the state have to implement euro, but it's also a general principle that ask you to the church and the courts to provide an interpretation to the existing national law in aligning with europeo. So it means that there is a directive that there is not a steel implemented, that sets some principles in terms of competition, for instance, and you have a national law competition that is not aligned. With that principle. The judge should be asked to provide an interpretation in order to force limits the national law to be more in line to interpretation with the EU legislation. And this again, is one of the requirements of the European Union treaties. So prominent conflicts between users is a national searches are quite complicated, but more or less International is so in this way.

I'm confused about the difference between Act and the regulations of ArtEZ bots low what kind of

Yeah, I can imagine that you are confused and the same and that is technically articulation. The difference is the basis the actor are based on a specific article on the treaty that gives power to the commission to create law in the view of future conflicts among the states that you're agreeing to why the regulation the additional regulation is a regression damn because already exists conflicts among the way in which member states regulate some aspects. So technically are both regulation it means that both the regulation and the actor are immediately applicable. To the citizen and to the people that live in repeat. The difference is what justify the fact that you created to justify a regression you start from the point that there are different rules in the States and you have to harmonize to justify an actor, you as a commissioner have to demonstrate that that is necessary to prevent a future conflict in the regulation by the member states. In this case, the AI is something that needs to be integrated because or are concerned about sanctification on the island. So the commissioner can say that of course in the next few years, the member states will adopt some regulation. It can also say that the states adopt some regulation. These are materials where of course this is a problem, both in terms of market and also protection, fundamental rights. And for this reason, based on this consideration is authorized to use this power to create an algo there is nothing Germanized because there are not any countries in Europe that have a regulation of AI nowadays, but there is some of that made possible to we can say I was so preventive regulation, now that to prevent future companies. So in terms of force is the same an act and regulation are the same force are immediately applicable in European Union without any further members. But in terms of justification of this political exercise of the low power or is it with a micro business,a special situation, for example, from a pandemic. You have to choose direct regulation

but especially situation is a mess as usual. At national level for the spatial division of all the countries are some technical instruments for the delay constitutional system that keep power usually to the executive to adopt some instrument, some legal instrument in a shorter way than the traditional parliamentary process. This is common in all the countries in us we have the presidential order. In Italy we have the law decree. And so there are instruments at the EU level. There is not a nice way for them. But you have to consider that the EU is not only law, but the law entitled to some bodies at the level of several powers. For instance, there are bodies that regulate or the aggregation system in Europe that can set emergency rule in order to limit the for instance, or to create some control with Chinese people. Then we have some bodies that cover all the sector, the agency for the medical products or the services that can coordinate the policy among the member states. But as we have seen in the COVID-19 Mainly the action of the EU is through the coordination. In fact, if you look at that time, all the Congress to Europe adopt the old strategy until the European Union push for a common agreement. Using persuasion we can say try from a political perspective to say it is not possible to continue in this way that is playing approaches the cobija. So please try to agree to the same approach. But technically there is not an instrument lag in the States. Wherever we can say a quick process and an emergency to be adopted. Like in a presidential order. We have not that because the European Union is not yet a federal state is still a union is still based on international agreement among Member States. For this reason, UK, Brexit make a Brexit is not possible in us that California making the California accent because if not, it's like like in the Catalan region in Spain. Yes, of course they can try participate the state so consider our premium act as is the same. Europe is not the same because it's still in the middle between an international agreement is stronger than a mere international agreement, compared with conventional with consider Europe or United nation stronger. But it's not still a proper federal state in which there are power at central level and all the states are part of the federal state they have to comply with this central power. We are in transition of course, we can say that the pandemic emergency stress a lot the power of the SEC in terms of buying goods, certain types of set in general principle rules. And also the fact that now we use the actual more than before is bad words increasing the force of the executive so open the transition towards a proper federal state in which the executive power can manage the urgency without a negotiation. You can run now, all the pieces are well past June and acquisition means that the Minister of member states are involved and they can say oh look at the problem, the guest different approaches and the Dory show which after a long discussion summary goes right in the middle. What time is it

So I just the first one is that most need to be general is not possible to make a law equation because it's against the general principles of me right They will be equal in front of the law. So all the scheme of the law are usually set general provision doesn't mean that the people a lot of the cases they focus on specific case where it does the service providers provide any kind of services but you cannot make.

So low just mentioned two points. The first one is that those need to be general is not possible to make a law situation because it's against the general principle of equality in front of the law. So all the scheme of the law are usually set general provision doesn't mean that the people who love the game they focus on specific interests, service providers, not to provide any kind of services. But you cannot make a lot more Amazon or Google, you can make a lot for internet service providers. So these are general requirements. Another gentleman requirements of law, of course, as we already mentioned, is divine intervention. It means that you have to comply with the law and of course, you have to be realistic. Enforcement is across. It means that for more infringement sometimes is not so easy to enforce the law because it's more expensive than to consider the negative aspect of this morning. So, and this research also is even as in the field of data protection, data protection authority are very focused on the big corporation of big companies. Because investing investigating Google for six months, is limited in terms of return. is much better than investigative spending for company where you connect some fixes or issues and with a small amount of money. What if you focus on the work you put under control many issues that affect a lot of people so these affect also the strategies in federal enforcement bodies the specific pieces

and other parts of that I want to stress because it's important that the discussion about the reclamation of data is that there is not only not only provision that regsulates society, coming from the States, or state light bodies. This is a typical top down regulation if you want the state European Union international body is the regulation that comes from the top to the citizens, of course, in the democratic countries based on physical bodies to action.

But you should be aware because it's important that in the field of regression, that there is also another way and the bottom half approach is also called a soft, low soft self regulation or similar words. What it means is, it means that you can create a regulation for instance, for online platform, not only through our new regulation from the European Union, like Mr. Market, Boxer through an agreement among the main actor in the field. There's self regulation or soft glow is based on spontaneous convergence among the operator in a specific sector that came to them South South Pacific rules and they're committed to respect this soft regulation soft glow and art law are different. And we should be aware about this difference because go the instrument can be relevant to the regulation and are used in the regulation of this. Because on the one hand, if we use our regulation, state law, the positive aspect is that is mandatory that you have a system called enforcement. So it's quite sure that you can apply the law to create the start state law unit. You didn't die because you have to pass through the political arena in which the debate is not necessary for the common good. But it's also for the political interests. So for instance, I can try to stop at useful piece of law only because it's presented by a party that is against and this that required time to create the law and acquire time where you want to change if you need to change something because reasons technologies. So it's stronger in terms of enforcement. But it's time consuming in terms of vision, and it's more rigid in terms of changes. On the other end, last point, this law is done by parliament member. It means people that typically do not know the topic is not a negative judgement about the position. The politician is there not because they are experts specific field, but because they can mediate the interests of the citizen and the functioning of the state. So you are appointed a politician as a member of the parliament in order to give voice to some specific needs some specific ideas. You need to be an expert in the legal field to give the proper statement of these needs to tend to vote. For this reason, there are experts that support the members of the parliament in order to create. But of course, this can be also a challenge in terms of regulatory process. Because if I discuss about AI and the representative partially do not know why a very funny idea about AI, and this is a problem. I remember I sit as an expert in the Council of Europe and our committee on artificial intelligence. And there was a discussion about human rights impact assessment is the topic of investigation. And what some countries that are represented by people that by some experts appointed they didn't don't understand what means human rights impact assessment, and a very strange idea about something that exists in practice, but I don't know because they're not experts. So this is the problem. In the political arena. There are also people that are not expert in the field and so cannot understand exactly what is the right solution for the problem. And these are complicated discussion. If you look soft law this equation is actually the study from the last point. The first regulation, the soft law usually is done by the companies or the stakeholder that are directly involved in the process. So typically, they know the problem. There are experts in the field if I want to make a search regression for a web platform and I go around the table with a representative of the platform or the representative or the electric car manufacturer, of course they know whether this program another very serious picture idea about the electric car they know exactly what is so in terms of expertise is much better. And also in terms of focus on the real property is much better because they know what is the composition of the source or the sub flow, of course make the difference. Because one thing says putting around the table of all the cardinal factor and other things around the table, the car manufacturer and the consumer, on the platform and the user. So the stuff can camps only for a specific sector or be more inclusive. And this change the game because the common factor as a platform. Of course, you take into account this issue of the user consumer but not focus on the means and the growth. If there is a more detailed more variety in the room is easier to reach a more balanced, more balanced relationship among the interests that this is a positive aspect of softlock the other positive aspect is that they have a very soft the procedure because our code of conduct is something that is discussed around the table and the white shortly issue. You don't need a lot of time because you have not a former procedure. In the parliament in which to discuss the law. We have to wait that is the time for discussing that law because there are other other laws and there's another procedure. So it's quicker in terms of process. Of course there's a positive aspect. That negative aspect is that is weaker in terms of history, because it's not binding or more correctly, cannot be enforced by the state law. So if you are a platform that agree with regard to a code of conduct in order to be green, for instance, in your supply chain Yeah, there can be oh this is a shame I can say you cannot know us that this sealer that we have before the platform that under the color conducted by you can say not a big issue. I have the 50 or the 70% of the market. Who cares about the fact that they are more longer the lab. So in terms of mandatory is weaker? As an is for this reason, mainly in the EU but also in other areas. We combine the two systems according to a model that was defined in France that is the correct wish for the CO regulation. means that you combine outlaw assault. So rather than considering two alternatives, you combine the positive aspects of course, it will sense in the sense that you fix in the outlaw some key principles but lever to the soft low the implementation of some aspects, creating for instance code of conduct or other histories. But this kind of code of conduct due to the fact that are specifically mentioned in the law that infringe now Canada's conduct ducks became an infringement of their own and can be sanctioned according to for instance, the individual GDPR that protection regulation in Europe, we have some revision that made possible to create some codes of conduct in terms of security and are not we have soft law. It means that you don't comply if you don't comply with the code of conduct to the fact that the code is mentioned as a requirement. That admission is a violation of the regulation you can be sanctioned according to the regulation. So you combine the sanction power of the arts, but to the flexibility of a part of the regulation that is managed through agreement among the stakeholders. So in a more flexible and easy way, to shape the specific sector or regulation. So the corroboration made together the benefits of the two models and is an important aspect that not only because of using the protection into us more with regard to standards, but isn't there Yeah, we already mentioned the European Court of Justice other two very general notions already touched upon point is the fact that that if there is a new low on the same topic, you have also to consider the last as low as the relevant one and principle known as next to failure. It means that the last note on the topics is the law that is enforced that regulated. For this reason, if you adopt a new regulation, the regulation that regulates something that's already the national law, this regulation because it's the last one compared to the previous national regulation. But there is a case that is different and that is the lack specialists principle. What it means, it means that can be the case in which we have a law and a new rule, but they can coexist. It was the example that we discussed before one talk about AI and national why they can coexist, because the previous note can be on a general topic and the new one on a specific search. For is we have general rules on contracts. And we have a new law on online contract. There is not contradiction, because they don't have contract is applicable to the natural contract, which kind of contract with us. And all my contract the ecommerce regulation directly is applicable only to the procedure in order to make that contract online. So it's a complimentary regression because set some rules in order to make that colorful line not shaped differently. In this case, regulate a specific aspect, but not change the existing so when we have laws that regulate the specific aspects not changing the rest of it is not a brother of coexistence between the two that I just mentioned because

Okay, so we have finished the general introduction about the basic series that you almost required to display. So we consider now we did a bit on the way in which we regulate the technology in general because it's important to understand that a specific regulation, the existing data protection and the future in AI and also the problems the address of the ethics. So let's start with that no smoking case. Imagine that you want to create a no smoking policy. As a government, you are concerned that the people's smoke that is not good for their hands, and it's also critical industrial cluster for healthcare service. So you want that people smoke less or hopefully not smoke. How you can reach this goal. So in which way you can shape society, according to this goal that you want to reach. That is an exercise that we do every time in which we want to shape the roadway. So if you want to introduce a no smoking policy, what you can do far we've laid out yesterday, so please focus on what you can do. Imagine that you want to reduce smoking in your car. Once you can raise the cost of smoking products with a taxation and this is Ernesto basil, the mark. So you can use the market as an instrument in order to implement some behavior, some way in which you want to shape society you can you can rise the cost rise in the cost of course.

Some people at least reduce the number of cigarette smoke probably these are not an option for those people who smoke cigarettes in finalizing the assumption Okay, okay. You can introduce sanction, no smoking areas of course.

take into account of your current nation smoking public. No smoking area is a strong base for law because create a legal obligation not to smoke. What is the problem or the instrument base or law the problem the market we haven't seen that can rise the cost but there are people that can continue to buy and the smoke by the ways. The demand is quite resistant to the customer. In the law, the problem is enforcement because it's not enough to say this is a no smoking iron, then that you have to check that the people do not smoke. So this creates a some limitation in adopting this strategy because in university when there is a professor or the staff is easy to implement the policy in a trade is easy to implement the policy. But for instance at the bus stop or industry could be much more difficult to have a full control of those markets. And in any case it doesn't cover the private area usually. This is a typical kinds of conflict of interest. General Health and privacy in terms of self determination approach in my home, I want to smoke the entire thing. Okay. So the legal instrument is good, but we should be aware that some means indefinite implementation that can reduce its application to some specific car when it's easier to enforce this kind of rubbish was.

Okay, this is at the last minute. So the role of changing the social attitudes we can say. I'm not so strong like you in saying that. Law can ask to nothing. Because if you start smoking here and they've got a sanction of probably the first day you have to pay the second day you have to pay the third that you can see that that is quite expensive. So a lot can also have a sudden impact in the market. But it's true that there is an important difference between acting in terms of provision or in terms of costs or acting in terms of culture. What was your advertising focus on changing the approach to some aspects in the long run is much more providing in terms of results because prevented some wrong attitudes. If you understand that somebody is not good for you, and you are convinced about that, you will not do that. and is no longer a situation where you don't do because you have money or because your risk assumption you don't do because they are convinced that is not so good. But what are the difference between these three strategies, low market and social change? One is the effectiveness. The first two are more effective in the short term. And the second one is more effective in the long run. And so what is the difference in terms of policy?

That you need to combine them? Because you cannot say Oh, I worked only on education. Of course you wait 20 years. And in the meantime, we have programs generated by smoke. So it's not so good. Focusing on that. Oh, we can say oh, we focus only on prohibition on a market. Yes. But you don't change the minds of the people is simply a restriction. And until the restriction works, make an effect but in the long time there are. So my case when we want to shape society, you have to combine different instruments. You have to combine the legal instruments, market instruments and the society. And this is also reflected in many piece of law according to that. So there's a last point that we missed that is the most important one for our discussion. That is the role of technology. Why don't smoke on the plane? Because if you smoke in the bathroom, the flames there is a sense of that startup, weeping is a social shame and a sanction. And so why you don't see why you put the belts when you drive a car you need two years ago, people saw the Fisher with a painting but no they're not used the bad guys not SunPower respecting the law. But now you can although you have the t shirt what is the basic problem? Exactly. The design of the car is the big problem that start beeping you cannot drive it with an increasing paper at the bank. You go to the bank, okay. And this is the role of technology. With regard to this, the bank, we can use sanctions in the US but it's expensive because you cannot vote upon us along each car that exists. Okay. You can use market probably not I don't see how you because it's it's mandatory for common factors but the most efficient way is technology. So create the technology situation that induce you to adopt measures. And this the same for you if we see can I enter in your VC? Theoretical read interior parents why? Because there's a password that you are computer scientists know that this is quite strong statement. But at basic level we can say that adopting a password protected data in the PC. Okay. So rather than writing those in alliance about the data protection is enough to implement the password in a computer and all the data that are encrypted there are protected. Rather than say you have to protect the data, blah, blah, blah, you put to the pressure you cannot use a computer without setting up. Immediately a minimal level of protection is provided by the system. Okay. So, this is the role of technology. Technology is not only something that we regulate, but can also use to regulate us. So yet is a dual use if you want because we regulate technology, but through technology, we also regulate the use of technology and this way is much more effective. than other ways in discussing.

29:38

Was professors one of the first scholar that studied the so called cyberspace was professor at Stanford, and then an hour and is famous for the book for this law in which he stated was nothing only his idea was random Berg has the same idea is the state that in the digital art context is the core way in which you code that shape our environment in terms of rules, and exactly the idea that I mentioned before that technology is shaping us

You're from it's just an interview, okay. Okay, so let's talk about the low dose were the first conference international conference in Stanford, of cyberspace.

In a panel, there was a judge on the guest court. That's after this long debate about the cyberspace cyberspace regulation. Say why? We need the law of the walls so why we need to regulate cyberspace. He also has existed but we are not alone for yours. So this is a typical question that we also have to address when we want to discuss about technology and technology recreation. Why we want to regulate technology? Is it necessary to regulate the technology and the question was a required

course. And so as each show that in the cyberspace, we need some specific regulation, etc. But these are the core parts. Why we need to regulate technology, why we need to regulate the data why we need to regulate the arm why we need to regulate family. It cannot imagine that is not necessary to recreate because we are already adults, manuals, and we don't need other routes. So both Lessing and the judge, were right, because on one is true. That is a very poor approach. Consider that every time there is a new technology or a new social issue. The answer is no. This is a typical in the political debate. If you look at the political debate, that politician works, same problem we make. But this is is good for election, but it's not good in order to manage the situation. Because as we mentioned before, if you put a piece of law anytime that is a problem, without considering what already exists, there are a lot of conflicts. Imagine, for instance, the case of already permission. Before internet, there was no problem online information. So of course, the politician says you need a lot of online information and write a specific law. Defamation but we already have information outside the word. And if the second piece of law is not consistent with the first one, there is the risk of that they say different things. And it's not good in a system legal system to have differences and encouraged. So, before rating, it's true that you have to consider if it's necessary to regulate. What are some of the games that I mentioned before the European Union? One look at the rising use of internet for E commerce decided to regulate online commerce but integrated commerce. They do not create a replica of the existing contract in your iPhone. You are not that loan and the online low. For example. You have the loan and the fourth the online you have only the procedure to make a loan through an online communication assistant. So the regulator exactly the part that was missed, but not recreate the entire system because for the rest is already regulated. It works well. So the regulation is needed when there is something that is not fully addressed. And in that case, we need the law of divorce and that was the reply of law lesson. We made the law of cyberspace because in cyberspace we have a problem that we have to note in your work. On exam what is in the commerce in the real world, you go to a bookshop and buy a book and then when you're done reading the book, you realize that some pages that are not well printed and you go back to the bookshop and say oh, look at the pages, please change the book in online wordly if you don't know send you the book, you cannot go back and ask for change of the book. So for this reason, we need a specific provision that say will provide you the service out to conduct the person something that they are what is not necessary because you know what is the bookshop you don't need information about is to provide you the service. So, for some cases, we need some specific regulation. But we have to be very careful not to reinvent the wheel, because this may create contrast with existing law and create a system that use different attitudes for the same kind of problem. So, in this sense, to address the new challenges, we can use existing principle also with the participation of the course that can provide the more adequate the case specific application of these principles and profession. For instance, at the beginning of the cemetery line, the course in us reflect along about the role of the service provider compared to the role of the Punisher in the tradition of deformation. So, the elaboration does interpretation can be useful to try to find some solution without changing the law or we can need to create a new law. For instance, we have the Decency Act. That is a specific act in us that the regulator some experts have all that information and

fix it simply applying the existing law. And this is exactly the case. isn't a bad, old but is the original case of defamation online. We have two cases have been covered and CompuServe and prodigy cases both were cases in which some defamatory statements were made available or on my web page. You can see the difference was that the first one was our newsletter and the second was was a moderated bulletin board. The bottom board was the ancient time chats with public chat. In this two case, is interesting because in the first case, the code say Oh, this is a ledger now. The statement is the monetary statement

the platform that makes it valuable this journal is not the publisher of the journal because the content are provided by others is like the distributor in the real world. In the real world. The distributor is those that provide a newspaper to the new shop but not check the content of course simply distribute the newspaper. And so the rationale for the decision was there is no specific law or online information. But using analogy we use the existing law we interpret and existing law according to the new situation. And we can see that that you simply if you simply distribute statements from third party, you are not liable because you have a not an editor control of the company. The second case is a moderated but it's important it means that the contents are moderated and in this case, you can apply the same analogy with the traditional newspaper say oh if you moderator, you control the content. So you act as a publisher, not as a distributor, and publisher you are liable for the content that you publish. What is the problem? There's a huge problem saying that. In the first case, you're a distributor so you are not liable for the content in the second case we will be moderated by your are publishers, you are liable. What is the critical point in this?

Platform is not liable if if done moderate. So the platform or not my voice is not moderate. Is this a good result? Of course not because moderate is a paradox because those that moderate were considered liable and those who do not do not moderate were considered not live. This is a typical case, which we need along with the horse. So the typical case in which the existing law and analogy doesn't work so well. And for good reason. We have the company communication Decency Act and the directive, Commerce City in Europe that specifically address the point of the liability of internet service providers. And at that time, I decided to limit the liability of service providers not reliable and reliable all in the case in which they know that illegal content or they support the distribution and then over the time this in this piece of law, both in Europe and less has been interpreted in a manner in a way more and more extensive, not addressed to the liability of internet service providers. So what is beyond this story? First, a new problem that can not necessarily be easily addressed with existing law, although to interpretation. In that case, we need a specific law that addresses turn the law that address the problem can be no effective over the time when we adopt the directive in 2000 was a case to limit the internet service provider. Because at that time, we didn't have Facebook or other big conference. There was no internet service provider. There was a rise in expanding internet. So the market is here was not increased liability, in order to be possible to create more internet service providers. Because making that liable, it means increase the cost today actually for the mark. But over the time, that jurisprudence change and interpretation extending the liability or intersect Grider and also now there are changes in the new proposal out there on the market center. Why? Because this edition has changed. We are no longer small into a service provider. We are big platforms that have enough resources to address these kinds of issues. And this has not any negative impact which I can't say all the infrastructure and they have already done. Okay. So this case is important, both in terms of clarifying that exists in Oakland to use percent there are not enough to meet specific law specifically over the time is open to change to interpretation or to new law because the value change and not longer adequate in order to address if you want to

Okay, definitely already mentioned, comparator approach is about and about the fact that in this case, we use existing law and the other Why don't we recreate something when we decided that yes, we need a piece of law. We have different approaches are possible in order to regulate and the two way that we have seen in the case is using behavioral rules are using technology to regulate the most smoking senior do not smoke behavior. Of course in regulating technology, ie regulating data, you can set some mandatory provision. You have to do that that and this is the way you wish typically since the reason the law works. If you look at the 10 commandments, not the few people so it's a general statement, that certain obligations and worse and be there is something that control that we are not killing people and if you kill people was injured. If there is no control, it doesn't work. Why this way in which we enforce the law is very sensitive in the digital context. Because in the digital context, in many case, the enforcement is more difficult than in a traditional context. If someone made you online, someone enter your PC and take some data from your PC in many cases, not so easy to find the old in many cases, not too easy to find. Also the violation, a big company that realized after three months that they had a data breach three months later because for three months I'm gonna continue to work as though that's possible. So, these are the these are the challenges on the online context, the difficulties in detecting infringement and the difficulty in defining the orders. And keep in mind remind that this play is a global play. So those went in the seven year old company and not necessarily coming for your camp. The CAFR are very far country and this means that makes more difficult to identify them and also if you identify them is not so easy to enforce. Because if they move further, is not so easy to convince the national authority working faster than any other issues to address to focus on the infringement or your data center in by the activities that are in your database. Okay. So there is a huge problem in the internet context. It doesn't mean that the behavior rule doesn't work of course, that there are rules that say that to cybercrime, have not admitted that are sanctioned and blah, blah, blah. But the problem is that remain only on this ex post facto approach is expensive and most work. We need ex post facto approach of course because we need people to violate the law or ask for payment is the damage of course. But it's much better to prevent this is less expensive, and it's more effective. So rather than asking to an international mandate to the authorities in Burkina Faso to go out there and take the person and make an international trial in order to condemn them and ask them to pay and they have no money to pay, so after five years to say oh, what's nice to go to jail when he or five days depends by the regulation and no money for you. is much better. To say. If you have dB, you are mandatory to adopt some security standard in order to prevent almost the majority of the attacks and this reduce all this stuff all this problem. Because when you try to alter you can Okay, so focus on technology is not more effective. And this is the case you know that device when that device in your home, it means that you have a contract with the company that supply you manage in the contract is written that you have a maximum power in order to have the supply the energy supply and you cannot pass this power. Without that device what happens

if we are not you can continue to ask energy and pass the threshold. Of course, there is impact on the country you pay more than next month. But what is the problem? Two consequences of course you impact the system because you can create peaks. Second the fact that you pay this next month can be disputed because you can also say not to pay because they are using a lot of energy. You don't have money you don't want to pay. Of course they can make illegal action. You can take your furniture, your furniture with a couple of years. It's possible but it's much better this device because this device is not talking with you about this is a contract we have to respect a company. Immediately stop let you pass attrition and no litigation. No furniture to solve no problem. This is the use of technology in order to enforce the law. This is the bar design approach that is typical privacy. But this is not new. Privacy is presented as new but it's not the by design approach is talking back into the technology, the values, the legal principles that we want to enforce. Of course we are not overestimate these kinds of things. Typically computer science are convinced that it's possible to transport all the low income because the law is too complicated as we have seen is the law to depredation the amendment. But for some aspects, you can you can protect the data using passwords you can use in order to protect property. There are some tools that works of course, you cannot implement the sciences science through technology. And the trust law is not possible is too complicated. And it's not so dependent on a specific technology. So it's a powerful tool that can be used only in South Pacific but is a powerful tool because prevent the wrong use of the technology. But, of course, he created this ignorant binary can say in the technology. We also make some decisions, because the barrier can be set a different level can be set at the top level. If you set the technology barrier the stop level is strongly limited the function of the system, look at the sample are the IP and also in the domain name system. The Domain Name System historical region is based on the model that the other one top level domain name is possible to have only one that gives you one the variety is not easy to there is only one and if you want to make wine you have to accept the fact that Ferrari car right before you although you're very famous for wine and you cannot have a fanatic This is a typical example of constraints. That is exactly to avoid misuse of personal name, etc. The famous case of the fridge seller that use our money talks into to sell fridges and the Georgia was not so happy. may come and go action. By the way, the surname of the guy was our mark. But of course the course is true that's your surname is Armani mother when you send active our money Dottie probably was not exactly because you think about your surname but imagine that these attacks are much more people towards your website and someone would need a fridge and your jaw obtain the protection of it is is certainly it but boxer. So, the eye level of the top level domain name rules is a strong limitation to this kind of be one name, one domain you cannot do and there is was created that time also negotiation procedure in order to contest misuse of the Manana. Look at another piece of biotechnology regulation. Cookie if you look at your browser, there is the possibility to set the cookie depending on the browser to finally buy the option but there are several options. This is a completely different approach. The regulation is not at the top of the box is at the user level. So you receive the cookies but you can set according to your design preference as in a manner that effect on your use. Not the entire use by the way. So what it means that is to polarize a sample, it means that using technology to create rules is an exercise that is not neutral. You have to make attention to be aware about where you put the regulation because it's very art is very effective. Create that sort of mandatory conformity for entire system. But yeah, only one reminder is very important is very flexible, or the user can adopt the strategy. But for the majority user, do not set the cookies and receive a lot of cookies. So there's also the side effect that's good given to the people. The last choice about the summer false metal some laws make it possible also to have so called that partners or other forms in order to induce the people not to use this option. For this reason why we imagined to use technology to regulate something and was done in the GDPR through the past run to other mandatory requirements that are thought of the by design approach and there's a principle in practice by design, discuss about that, we should be aware about which wants to go this route

like in the previous stages, you need a mix of the solution. Why you need to make the solution because you can say the password but we know that also be there is a password it's not impossible to see. And for that case, you need a sanction. So you always need that closing rule. That is a behavior rule that say if you infringe the law, there's a consequence because you have to consider that technology is not always effective to prevent all the possibilities. The rules and for the case in which the rule is infringed. You need a prohibition of behavior. So, the solution is a combination again, is not an attack. You need the technology by design in order to implement in the Tools some limitation to respect some principles or legal rules. But you have to consider the fact that sometimes this protection can be circumvented and you need the old fashioned traditional behavioral rules that in that case and provide the typical remedies in terms of sanctions or remedies in advance or refund the cost of damages etc. So it's a combination of both solutions.

The last point that is something that we discussed again, and when we talk about AI is that in regulating technology, we can use AI approach that is principle based or validity. Principle basically means that you fix some principle, fairness or by design approach, so not speak, describe what means fairness or what it means by design. You use general clauses you use general phrase this or by design approach. So, you do not go into the day he does not speak, describe what these families are what it means by design.

You just general closes us general friends.

This kind of regulation is better intends to address in the long run their future challenges because it's open and can be adapted to the specific question.

If you say, Oh, you need the app faster with eight digits, you need the firewall that should be updated every six months. That was that can can stand.

Of course, whatever. That after some time is six months to date. The firewall is not so good as a solution. Okay. So you have to change the law.

So for this reason, you should be careful that sometimes what is too detailed in terms of law, apparently can see oh, you can say oh, this is good because I have all the days but in the long run is not so good, because it's a very rigid system. And you have to upload the law with a long process and times, every time that technology changes or society changes. It's much better to have some principles that fix academia that should necessarily be implemented according to the situation. So if I say that you have to adopt a higher security standard, vulnerable.

I look at what is available and I check if you comply or not.

If I set the what is the standard I defined the cyber in the law, they say only for the next three months and then we have to change again.

So again, we did a combination for some accent, we can be very precise. For other aspects much better to have all your references that we've implemented, of course, according to this equation, this of course includes including more work for supervisory authorities. Because if you say you have to implement the best security standard, someone should say what is this?

So we need an attorney that provides some guidance that keep track about what are the standards, if not the open discussion about what is the standard another point that I want to rise.

Another point that I want to rise is their difficulties in regulating technology in our society in which we regulate technology that brings risk, you know, our society, so so called the risk society, because after a long time, to the 19th century, in which the risk were almost the same agriculture, the code and destroy something or fire with industrial revolution with a chemical revolution, and then we'll have the motion data, whatever you want. We increase the normals with the sources of risks in society.

And we also give those and put in society regardless, the fact that I'm not so much recall the debate yesterday, cloud challenge is in vain.

So the maturity of the product syntax another criteria to use that rather than putting in the mark. And the same was that we decided driving car or Tesla.

So, in this society, the risk is the problem.And this changes the approach of regulation.

Fostering this idea to prevent not only by design, but also through risk management risk assessment.

So the idea that if you develop that technology set in take some risk before put it in the market, you have to assess the level of the risk and risk assessment, accountability for what you're selling.

And we'll find both of these principles risk assessment particle quality, accountability, one of the key principle and the five.So, this is the approach if you create the technology that you have to manage the risk assess the risk in the GDL.

But yeah, there's another point and we can look at the our proposed revision proposal.

There are two situations. These are situations in which the risk is almost known and you can imagine

but there are situations in which the technology is in a stage in which you don't know exactly what are the potential we have the situation on all GM products in the past.

We have now the brother or son application of AI, general ai, ai that use emotional detection rather than are still in their infancy and they're not clear exactly how they can impact on society. So the level of risk is not measurable and difficult to make consistent.

In that case, following some international trends, as adopted another principle that is the precautionary principle.

The precautionary principle means that when the technology is able to affect the society negatively and in a manner that is not completely no and not competent. Imagine as it goes through risk management assessment is better to adopt a precautionary approach. It means not put it in the market that is kind of technology.

It doesn't mean that you have to stop there.You can continue for instance, to make research in this technology to rise the level of maturity of technology to better understand the consequence of this technology and the market at that moment. You can make the proper responses.

This is the case of secondary character. Right now we cannot say that said that we can use okay because the level of maturity is too low

for automatic but, of course, tomorrow we cannot say yes, you can go to make a risk assessment you cannot make any success and if you don't know exactly all the situation, the person or case revealed the situation that we did.

What we can continue to invest research on that reach the level of maturity, the level in which the risk can be assessed. And managed and then put in the market.

This is the combination risk assessment for the case in which a risk is now a precautionary approach stop put in the market for the other patient. That this is the model in which we manage technology risk to regulation. In AI activity find US equities, sound technologies that are spoken by them because they are not mature or considered to our AI and other technologies.

Risk assessment and with this, we can conclude