Westfälische Wilhelms-Universität Münster

Münster Colloquia on EU Law and the Digital Economy

Liability for AI

17th/18th November 2022

WWU Münster

Centre for European Contract Law

wissen.leben
WWU Münster

Thursday, 17th November 2022

12:00 **Registration**

12:30 **I. Introduction**

Welcome
Sebastian Lohsse *(University of Münster)*

(Possible) Commission initiative(s) dealing with AI liability
Dirk Staudenmayer *(European Commission)*

13:00 **II. Clusters of the possible Commission proposal(s): Fault Liability and Strict Liability**

The Grey Zone between Fault and Strict Liability
Bernhard A. Koch *(University of Innsbruck)*

Different approaches for liability of Artificial Intelligence – Pros and Cons
Gerald Spindler *(University of Göttingen)*

13:40 **Discussion**

14:10 **Break**

14:30 **III. Clusters of the possible Commission proposal(s): Producer Liability and Operator Liability**

Product Liability or Operator Liability – What is the best way forward?
Christiane Wendehorst *(University of Vienna)*

Approaches for adapting Product Liability Law
Jean-Sébastien Borghetti *(University of Paris 2 Panthéon-Assas)*

Operator Liability for AI-systems
Georg Borges *(University of Saarland)*

15:30 **Discussion**

16.30 **Break**

16:45 **IV. Clusters of the possible Commission proposal(s): Causality, Fault and the Burden of Proof**

Causality from the perspective of limitation of liability
Herbert Zech *(Humboldt-University of Berlin)*

Burden of proof – How to handle a possible need for facilitating the victim's burden of proof for AI damage?
Eugenia Dacoronia *(Universitiy of Athens)*

17:30 **Discussion**

18:15 **End**

Friday, 18th November 2022

09:00 **Registration**

09:30 **V. Clusters of the possible Commission proposal(s): Regress and Insurance**

Recourse among several liable persons – allocating the burden of liability
Miquel Martín-Casals *(University of Girona)*

Solutions provided by insurance law
Helmut Heiss *(University of Zurich)*

10:10 **Discussion**

11:15 **Break**

11:30 **VI. Discussion Panel**

Representatives from politics, industry and consumer stakeholders are invited to debate

12:30 **Discussion**

13:30 **Concluding Remarks**

Reiner Schulze *(University of Münster)*

14:00 **End**

The Münster Colloquia

The "Münster Colloquia" deal with the challenges facing EU law as a result from the transition to the digital economy. They bring together renowned lawyers from academia and legal practice as well as EU/national policy makers and stakeholder representatives. They are a privileged forum to discuss the concepts and instruments which respond to legal issues brought to the forefront, for instance by artificial intelligence.

The general aim of the *7th Münster Colloquium* is to focus on the forthcoming Commission proposal(s) dealing with the challenges for EU and national liability laws stemming from the specificities of AI. It will analyse in-depth and discuss the issues raised by the possible forthcoming Commission proposal(s) and the European Parliament resolution of 20 October 2020 calling for an EU "Regulation on Liability for the Operation of Artificial Intelligence-Systems". The Commission had announced to follow up the EP resolution with legislation and to launch coordinated public consultation and impact assessment work on harmonising national liability laws for AI and on the revision of the Product Liability Directive. The subsequently published Commission inception impact assessment[1] and the public consultation[2] contain a number of legally highly interesting issues, like changes to the burden of proof or a possible targeted strict liability as well as the relevance of insurance questions.

For 2022, the Commission announced EU measures adapting the liability framework to ensure that victims who suffer damage as a result of AI have access to the same compensation as victims of other technologies. This may include a legislative proposal with regard to the liability for certain AI systems and a revision of the Product Liability Directive.

The volumes of the first five Münster Colloquia on EU Law and the Digital Economy are available from Nomos publishers and have been well received.



To be published shortly:

Lohsse/Schulze/Staudenmayer (eds.),
Smart Products, Münster Colloquia on EU Law and the Digital Economy VI, Nomos 2022

Schulze/Staudenmayer (eds.), **Digital Revolution: Challenges for Contract Law in Practice**, Nomos 2016
Schulze/Staudenmayer/Lohsse (eds.), **Contracts for the Supply of Digital Content: Regulatory Challenges and Gaps**,Nomos 2017
Lohsse/Schulze/ Staudenmayer (eds.), **Trading Data in the Digital Economy: Legal Concepts and Tools**, Nomos 2017
Lohsse/Schulze/ Staudenmayer (eds.), **Liability for Artificial Intelligence and the Internet of Things**, Nomos 2019
Lohsse/Schulze/ Staudenmayer (eds.), **Data as Counter-Performance – Contract Law 2.0 ?**,Nomos 2020

Registration

You can register for the conference **via E-Mail until 01 October 2022**, addressed to the conference assistant Carina Weth **(carinaweth@uni-muenster.de)**.
There is no conference fee.

[1] https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12979-Civil-liability-adapting-liability-rules-tothe-digital-age-and-artificial-intelligence_en
[2] https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12979-Civil-liability-adapting-liability-rules-to-thedigital-age-and-artificial-intelligence/public-consultation_en