

Dialogue or Dilogue?

Navigating the different legal regimes in the AI Act – between Product Safety and Fundamental Rights.

Katja de Vries, Senior Lecturer in Public Law,
Uppsala University (UU), Faculty of Law

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The AI Act (AIA) = two different types of legal-regulatory discourses

- product safety discourse from the New Legislative Framework (NLF) regime
- fundamental rights (or more specifically: FR in the style of data protection) discourse.

Is the AIA:

- a *dialogue* - where the regimes talk to each other?

(Ancient Greek *dialogos*, from dia 'through' + logos 'word')

- a *di-logue* - “double-tongued” speech which, in the best case, could mean that the AIA is a bilingual (partly overlapping?) repetition, and in the worst case that it says different (incompatible?) things.

(Ancient Greek *dilogos*, from from dia 'two' + logos 'word')

Plan for today

I. Comparison of the FR and PS regime in AIA in terms of:

- 1) Regulatory style: GDPR style vs NLF style
- 2) The actors – who is addressed?
- 3) Legal matter of concern in particular Articles: essential requirements vs. FRIA
- 4) Governance and enforcement: the *tools* (delegated acts, codes of practice, harmonized standards) and the actors (national competent authorities, authorities protecting fundamental rights, the standardization bodies, the AI Board, the AI Office, the Scientific Panel)

II. Dialogue or dilogue?

- 1) Dilogue: (ethical) vagueness or overload in technical specificity
- 2) Dilogue: pushing it towards the future
- 3) Dilogue: two ships passing in the night that never meet
- 4) Dialogue: making the ontological assumptions and the political stakes clear

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Thanks for your attention!

