

Ex Ante Regulation vs. Ex Post Litigation: the Problem of Technological Standards

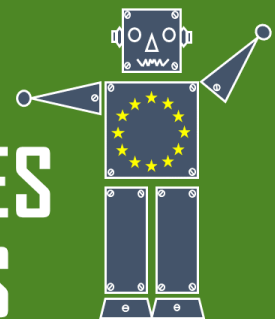
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DEVELOPMENT



Scuola Superiore
Sant'Anna

**EUROPE
REGULATES
ROBOTICS**



JEAN MONNET MODULE

Outline

1. The problem of safety
2. Different approaches: which one is best?
3. The problems with existing standards
4. What do we need?



1. The problem of safety

Both (product) liability and regulation aim at ensuring high standards of safety:

«Product liability strikes a balance between the right of the user not to be harmed and the right of the producer to sell the product for profit»

Owen



1. Ex Ante Regulation vs. Ex Post Litigation: the Problem with Uncertainty

How do we regulate the unknown?

- Regulation cannot keep the pace of technological advancements
- Unknown-unknowns by definition cannot be foreseen

The limit of regulation BUT «development risk defense»



2. Which one is best?

Product Liability Rules: Ineffective

- Do not provide additional incentives in product design
- Different litigation level when similar regulation is applied
- Detrimental for high-technology high-investment industries



3. The problems with existing standards

1. Too general and broad (not narrow tailored)
2. Insufficient standardization for robotic products
3. Leaving to much uncertainty with respect to legal consequences in case of damage



4. What do we need?

1. Narrow tailored standards constantly updated
2. Safe harbour regulation & Risk management solutions
3. New kinds of standards (ethical, human-robot interactions)

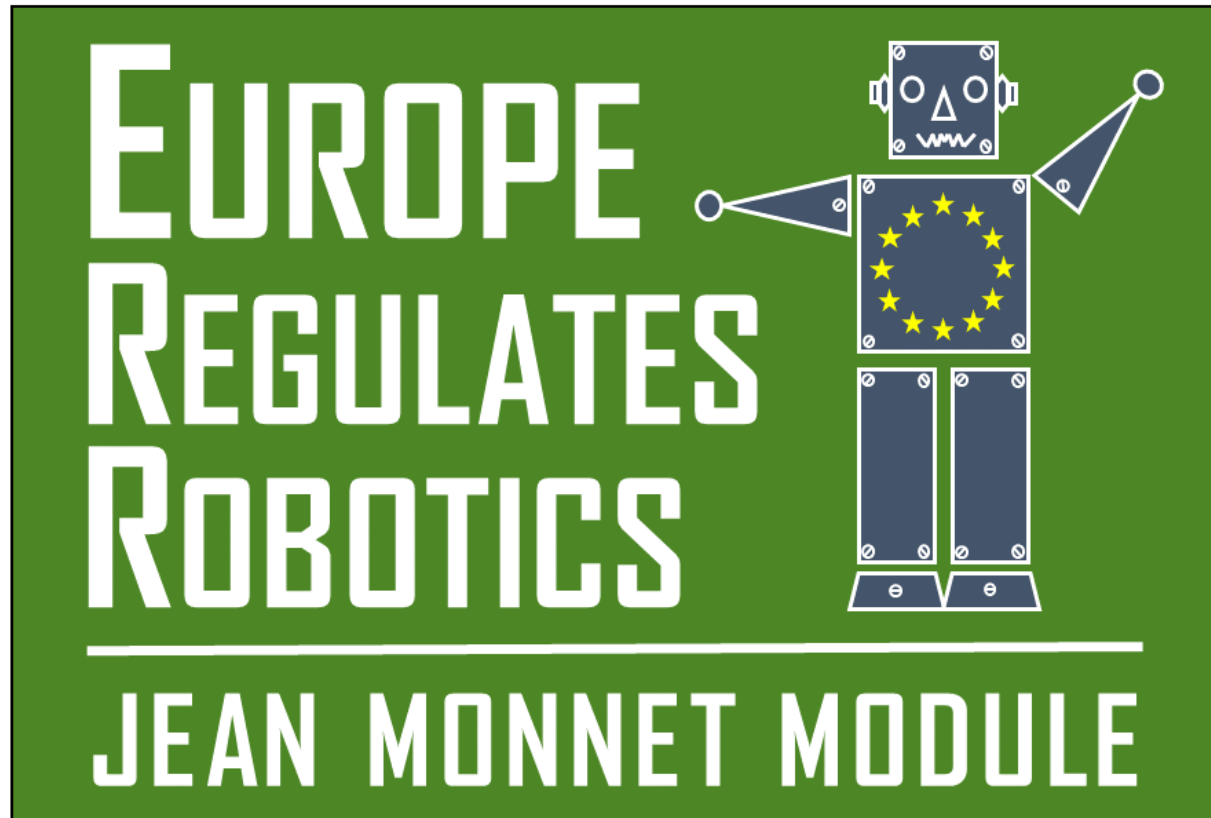


4. contd.

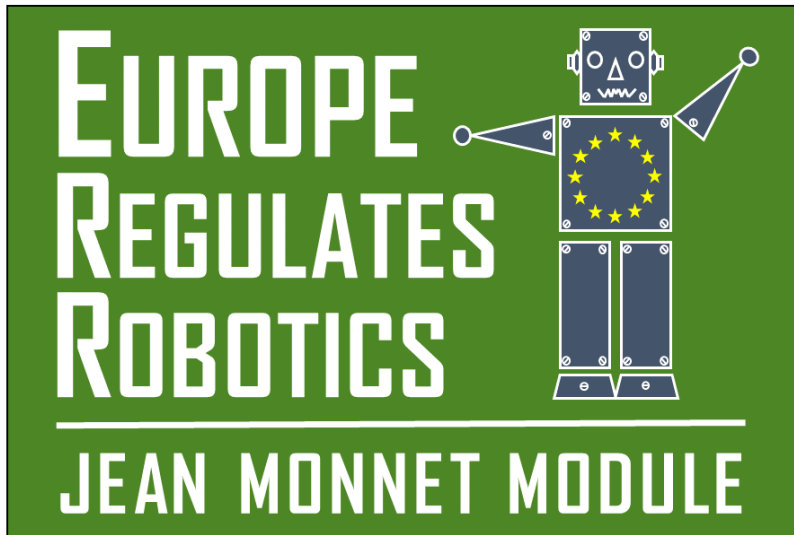
1. Enhance european standardization
(preferable to international regulation)
2. Need to be thought for non-skilled
interaction



Europe Regulates Robotics



Summer School on The Regulation of Robotics in Europe



Pisa: Scuola Superiore
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Opening Cerimony with
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[http://www.euoperegulatesrobotics-
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Thank You!



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