

## POPULAR SCIENCE SUMMARY

"The use of autonomous AI in the labour process and employer's civil liability towards third parties"

The purpose of the research project is to establish what model of civil liability should apply in the legislation of the European Union when autonomous AI (artificial intelligence) used by an employer in the labour process causes damage to a third party. At the time being, civil liability for damages is split by the previously known division into humans and things. AI is not a thing, and it will never become a human. However, there are many indications that, within the labour process, AI is going to replace not only things (machines; devices) but also humans (employees). Certainly, this will not happen at once and will not relate to all professions but in this context, the current adjustment of the terms and models of civil liability to the distinction between people and things does not work. In the legislation of the European Union, the lawmaker has thus far not decided to grant legal personality to AI in conjunction with AI's independent civil liability for damages. However, one cannot rule out the need to develop in advance a completely new, so far unknown model of liability relating to autonomous AI. Perhaps it will also be necessary to replace different types of civil liability with a single type of liability dedicated to autonomous AI. The research hypothesis is based on the assumption that liability must be adjusted to the operation of fully autonomous AI which, in a given area, is going to make independent decisions without human involvement. The specific research purpose is to answer the question: who should be liable for damages caused to a third party by autonomous AI used by an employer in the labour process, and on what terms should such liability be based?

Certain AI systems function only in the virtual world (e.g. voice assistants, image analysis software, browsers, voice or face recognition systems), whereas other AI systems are embedded in hardware (e.g. advanced robots, autonomous cars, drones, Internet of Things). Another highly important division falls between so called weak AI and so called strong AI. Weak AI is referred to as task-oriented or quantitative. On the other hand, strong AI comprises networks modelled following the pattern of human brain. Although until the present day no system has been created which could be considered strong AI, scientists emphasize that it is only a matter of time.

The justification for taking on the presented research problem is the fact that in the European Union the lawmaker has not decided to grant legal personality to AI in combination with AI's independent civil liability for damages caused. At the present time, AI has been categorised not as a digital legal person but as a product, and the legislator concentrated on the regime of product liability and on the liability of AI system operators. As a result, a question arises as to whether the legislation of the EU is not too conservative and if it will allow the building of full trust in AI and to extensively utilize AI in the labour process. The European Union has the ambition to be in the vanguard as far as the development of fully autonomous AI is concerned. The EU intends to achieve that purpose, among others, by legislation, which is supposed to be compatible with the development of new AI technologies. In this connection, proposed solutions in respect of AI's liability from the legislations of world leaders in the field of AI technologies, such as the USA, China or Singapore, must be examined. Proposals expressed in academic literature in relation to foreign legal systems can be helpful in determining if the direction taken by the EU (liability for AI = product liability) is the right one. If this is not the case, they can show which solutions may be proposed in that regard.

The results of the research will allow me to answer the question of whether it is possible to optimally frame AI liability using one of the existing liability models, and if so, which of the models is best suited for that purpose. However, if the conclusion of the research carried out at earlier stages of the investigation is that the existing liability models are incompatible with the identified problems relating to AI, at the last stage of the research work a proposal will be formulated for a new model of liability dedicated to autonomous AI.