

Beyond persons and things

The legal status of artificial intelligence in the EU

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Abstract. Technological progress seems to not only herald the adoption of appropriate regulatory measures in the case of AI, but also a serious reconsideration of the philosophical underpinnings of legal conceptions about personhood and thing-hood. These uncanny entities, which increasingly straddle the border between human and artifact, will likely be involved in hard cases before European courts, requiring the latter to answer some difficult questions. What those answers would ultimately amount to is an outline of the legal status of AI systems, determining therefore what legislation is applicable and enforceable in relation to the practical uses and the ensuing consequences of those uses of AI. There are three possible answers to this. The law can treat AIs as things, it could consider them legal persons or it could create a new, *sui generis* legal status, specific to these entities. The proposed research therefore contends that to systematize the arguments in favor and against each of these courses of action in turn and to contribute new ones is what is needed in order to reach the ultimate goal of outlining a ‘*portrait-robot*’ of what the legal status of AI could look like in the EU.

Keywords. Artificial intelligence, legal status, personhood, thing-hood

1 Hypothesis

Simply put, AI is a collection of technologies that combine data, algorithms and computing power in order to automate tasks beyond the need for subsequent human intervention. Recent advances in computing and the increasing availability of data have been the key drivers of the current upsurge in AI applications, which shows little sign of relenting in the near future. Quite the contrary in fact, if the ubiquitous narratives

about their looming pervasiveness in our everyday lives is to be believed and given the rate at which new or improved AI techniques are being discovered and instrumentalized. To sum up the salient key features in describing these entities for regulation purposes, they are autonomous, adaptive and self-learning. It is these anthropomorphic characteristics which make them disruptive to the standard dichotomy between persons and things.

Furthermore, major components of these technologies have been shown to raise various legal issues, primarily in terms of discrimination, transparency, procedural safeguards, agency and liability. Opaqueness for instance has been notoriously decried in relation to algorithms in the field of AI as generally preventing everyone but a highly trained few from discerning their underlying decision-making mechanisms. Their ability to alter themselves adds a degree of unpredictability to their autonomy, creating a causal gap between the creators' intentions and any resulting consequences of the AI's functioning, which compounds what is usually referred to in literature as the 'responsibility gap'. Their widespread adoption, development and sustainable use should, for these reasons and others still, depend on ensuring their being intelligible and therefore controllable, necessities as yet not catered to technically, let alone from a legal perspective.

Their autonomy - defined as the ability to take decisions and implement them in the outside world independently of external control or influence¹ - whereas of a purely technological nature and a function of how sophisticated an AI's interaction with its environment has been designed to be, is inversely proportional to the extent to which AIs can be considered simple tools in the hands of other actors. The more autonomous they are however, the harder it becomes from a legal theoretical perspective not to consider them agents in themselves. What is at stake here is the attribution of liability in case of damage they may cause.

The historical response to damage arising from activities impacted by technological advancement has been strict liability. Lately, the EU Parliament, in its 2020 Resolution with recommendations to the Commission on a civil liability regime for artificial intelligence², softened³ this traditional risk-based liability approach somewhat via the introduction of two systems of liability with differentiation between strict liability for high-risk systems and subjective liability with a presumption of fault for ordinary-risk systems. This is spite of the fact that attention is drawn within the same text to the increased risks involved in the operation of AI systems, which involve loss in control on the part of human operators, a fact ordinarily associated with strict liability. It seems counterintuitive in this light that an increase in risk factors would weaken the liability of the actor⁴. Several other issues emerge once we consider the need for ar-

¹ European Parliament: *Resolution of 16 February 2017 with recommendations to the Commission on Civil Law Rules on Robotics*, point AA.

² European Parliament resolution of 20 October 2020 with recommendations to the Commission on a civil liability regime for artificial intelligence (2020/2014(INL)).

³ Sousa Antunes, H.: *Civil liability applicable to artificial intelligence: a preliminary critique of the European Parliament Resolution of 2020*, December 5, 2020, p. 5.

⁴ *Idem*, p. 9.

tication with producer's liability as well, since the latter does not seem able to accommodate a similar two-tier differentiation in liability.

As the law stands today, AIs cannot be held liable *per se* for actions or omissions which cause harm to third parties. Only if a human agent like the producer, operator, owner or user is the cause of harm and if they could have foreseen or avoided the AI's behavior does liability for defective products operate. Such foresight is often out of reach for the average person. Furthermore, the burden of proof for the defect might quickly turn to *probatio diabolica*⁵, much like in the notorious case of Alexa mysteriously waking its owner up in the middle of the night with a diabolical laughter. And while it may be debatable whether actual damage incurred in that case, it is generally far less uncertain that damage is entirely in the realm of possibility. It should therefore be examined whether effective redress mechanisms for victims and legal certainty for producers are still ensured when it comes to AI systems.

A possible solution could be a mandatory insurance scheme. An insurance system for AIs however, unlike that for road traffic where the insurance covers human acts and failures, should take into account all potential responsibilities in the chain⁶ and that is precisely where the difficulty may lie. These developments prompted the European Commission to express the need for a clear European regulatory framework⁷ for adeptly tackling the challenges they bring along.

With so many legal issues raised by these uncanny entities which straddle the border between human and artifact, it seems only a matter of time before the first hard cases involving them start to appear before European courts. They will doubtlessly require answering some difficult questions, chief among which concerning the legal status of AI. On the answer to this central question a host of consequences depend, or rather, this answer determines what legislation is applicable and enforceable in relation to the practical uses and the ensuing consequences of those uses of AI. There are three possible answers to this. The law could treat AIs as things, it could consider them legal persons or it could create a new, *sui generis* legal status, specific to these entities.

2 Central question

The proposed research therefore contends that to systematize the arguments in favor and against each of these courses of action in turn and to contribute new ones is what is needed in order to reach the ultimate goal of outlining a '*portrait-robot*' of what the legal status of AI should look like in the EU.

It asks what the law, legal doctrine and philosophical approaches to the subject are, so as to determine what they should be. It will do that by making a thorough inventory

⁵ Crawford, K.: *Atlas of AI: Power, Politics, and the Planetary Costs of Artificial Intelligence*, Yale University Press, 2021.

⁶ European Parliament: *Resolution of February 16th 2017 with recommendations to the Commission on Civil Law Rules on Robotics*, para. 57.

⁷ European Commission: *White Paper On Artificial Intelligence - A European approach to excellence and trust*, February 19th 2020, COM(2020) 65 final, p.10.

of the lines of argument, group them according to the course of action that they support, compare them against each other and ultimately settle on the opportune option for the identified goals of this conceptual and practical re-examination of the *status quo*. In other words, it seeks to problematize the assumptions that underlie the existing Western legal doctrines and to suggest ways in which our theoretical categories could be built on firmer ground.

The types of arguments having been advanced on the matter so far fall short of being convincing. There is first the ontological argument, hinging on the specificity of *homo juridicus* or on whether legal personhood is something attributable to humans simply by virtue of their nature. Against that view, both biolaw⁸ and bioethics claim that what we need is a set of criteria for personhood that is species neutral and does not solely depend on the species. Saying you are worthy of protection because you are human is not better than saying you are better because you are white⁹ in this view. Legalist positions counter this argument from the standpoint according to which anything can be a legal person because they are stipulated as such or defined into existence. Each of these have their critics in turn and deserve at least a second look, as is the case with the practical or functional argument, which considers legal personhood for AI as a possible tool to ensure liability and asks whether current legislation is sufficient to deal with problems of responsibility raised by AI.

This research will attempt to find an answer to the status question by critically examining all these arguments with the aim of contributing some original insight into construing better ones, instrumental in the construction of a more coherent legal approach to the technological advances in AI currently reshaping reality.

3 The relevant literature

There is already a fair amount of literature tackling the intersections of artificial intelligence and law. It is however fragmentary in nature, and apart from some isolated efforts¹⁰, it could largely benefit from updating, thorough systematization, as well as reuniting both current views and *de lege ferenda* suggestions, in order to render the subject a step closer to the clarity and precision which the law holds as standards.

Critiques chipping away at the very foundations of legal thought have been formulated, as well as more targeted, punctual ones. For an example of the former, it has

⁸ Silva, D. F.: *From Human to Person: Detaching Personhood from Human Nature*, in *Legal Personhood: Animals, Artificial Intelligence and the Unborn*, Springer, Law and Philosophy Library, Volume 119, 2017, p. 113.

⁹ To quote Glenn Cohen, James A. Atwood and Leslie Williams Professor of Law at Harvard Law School and Faculty Director at the Petri-Flom Center for Health Law Policy, Biotechnology, and Bioethics.

¹⁰ Such as Barfield, W., Pagallo, U (eds.): *Research Handbook on the Law of Artificial Intelligence*, Edward Elgar, 2018 or Pagallo, U.: *The Laws of Robots*, Springer, 2013 or Chopra, S. and White, L. F., *A Legal Theory for Autonomous Artificial Agents*, University of Michigan Press, 2011 or Mele, A. R., *Autonomous Agents: From Self- Control to Autonomy*, Oxford University Press, 2001.

been argued¹¹ that the present form of juridical humanism, widely accepted in Western legal systems and based on the dualistic division of reality into persons and things, is incoherent. This incoherence stemmed from the de-reification of animals, which must be seen as a serious breach in the dualistic division of reality into persons and things. Conceptually, the paradigmatic theory of legal personality maintains that the intension of legal person is ‘someone or something that holds rights and/or duties’. However, if we apply the modern theories of rights to see who or what holds legal rights, we get an extension that does not correspond with whom or what we take to be legal persons. Shortly put, according to the interest theory of rights, animals already hold legal rights regardless of whether they are defined as legal persons, because we have legal duties toward animals, such as the duty not to mistreat them. On the other hand, according to the will theory of rights, animals cannot hold rights regardless of whether they are declared legal persons – but neither can, for instance, small children, who are widely taken to be legal persons.

This makes the overall conceptual framework of the law clearly incoherent, animals being essentially stuck between two allegedly exhaustive categories – objects (things) and subjects (persons) – yet belonging to neither of them.¹² Autonomous artificial agents capable of flexibly adjusting their conduct and reactions to the environment have of late cast their own doubts on the traditional dichotomy between persons and things. Moreover, some strands of this technology, such as companion humanoid robots, dedicated in particular to assisting elderly patients, may make it difficult for people interacting with them to continue perceiving them as mere objects.¹³

As a result of these inconsistencies, a reconceptualization and reorganization of the relationships between these categories seems paramount. If this necessity leaves little room for doubt, the nature of this re-do however does not. That is no easy feat either, since, as Kaarlo Tuori maintains¹⁴, the divide between persons and nonpersons is a part of the ‘deep structure of law’. For this reason the legal personhood of animals, let alone AIs, is not simply unacceptable, but rather unthinkable for many jurists.

3.1 AIs as legal persons

Personhood as the capacity to have rights and duties and its corollary that, unless qualifying as a person attributed with such capacity, one can only be an object of rights and duties held by others, has been called into question itself. Most recently, a new theory of legal personhood has been proposed¹⁵, a so-called ‘bundle theory’. Departing from the orthodoxy of both the interest theory and the will theory of rights

¹¹ Pietrzykowski, T.: *The Idea of Non-personal Subjects of Law*, in *Legal Personhood: Animals, Artificial Intelligence and the Unborn*, Springer, Law and Philosophy Library, Volume 119, 2017, p.51.

¹² *Idem*, p.57.

¹³ *Idem*, p.54.

¹⁴ Tuori, K.: *Critical Legal Positivism*, Ashgate, 2002, p.186–8.

¹⁵ Kurki, V.A.J.: *A Theory of Legal Personhood*, Oxford University Press, 2019.

as its philosophical foundation, legal personhood cannot be equated with the holding of legal rights in this novel approach.

For the specific issue of attributing legal personhood to AIs, its author analyses three separate contexts. He first asks whether AIs are of ultimate value and therefore worthy of receiving some of the protections that legal persons such as human children enjoy and concludes in the negative, basing his argument on the fact that the possession of ultimate value depends on sentience, which AIs do not as yet possess. Sentience matters because it is integral to an entity's status as a potential holder of interest theory rights, as it can be said that things matter only to sentient beings. Although the sentience of a being is very often taken to be an important (though not perforce necessary or sufficient) condition, to us the argument seems to become circular here and at the very least requires a closer look.

Second, he focused on the responsibility context, and more specifically so-called 'onerous' legal personhood¹⁶ and the requirement that AI be able to own property for tort liability to operate. Since the publication of this book, the implications of AI for safety and liability legislation at EU level have been analysed in the Commission Report¹⁷ accompanying the recently published White Paper cited above, as well as in the 2020 Resolution of the EU Parliament cited previously. My research would focus on a comparison between these, in order to discern the adequacy of the proposed regulatory framework to the issues raised by legal theory.

Finally, in the commercial context, a closer look was taken at AIs' through a so-called 'tool - representative - legal person trifurcation', superposed with a set of two conceptual dimensions, termed separateness and independency. I propose an alternative, not context but goal-contingent analysis of attributing legal personhood to AIs, together with the expansion of the inquiry into such adjacent matters as might prove relevant to hopefully form a simpler picture, applicable to the European Union's legal context.

It has also been argued¹⁸ that in US company law a very close analogue to legal personhood could be obtained for AIs by tying a company to something an AI is able to do so that its purpose becomes the purpose of the company. There could in principle be an operating agreement that gives effect to the observable state of any such software system. All the operating agreement has to do is give effect to these autonomous systems for them to be able to enter into legally binding agreements, act as agents or principals and, in sum, validly manifest all of the basic incidents of legal personhood.

A rather different stance has also been taken¹⁹, looking at how practical and economic reasons could lead to software agents actually being granted legal personhood – along with the rights associated with that status – and that even before nonhuman

¹⁶ *Idem*, p.117.

¹⁷ European Commission: *Report on the safety and liability implications of Artificial Intelligence, the Internet of Things and robotics*, 19.2.2020 COM(2020) 64 final.

¹⁸ Bayern, S.J.: *Are Autonomous Entities Possible?*, 114 Nw. U. L. Rev. Online 23, 2019.

¹⁹ Michalczak, R.: *Animals' Race Against the Machines in Legal Personhood: Animals, Artificial Intelligence and the Unborn*, Springer, Law and Philosophy Library, Volume 119, 2017, p. 91.

animals. It is perhaps worth mentioning here that in the case of corporations, municipalities and juridical persons in general, legal personhood was attributed on instrumental reasons too, namely on account of their being helpful in promoting some kind of human interest more effectively. Depending on how we look at AI systems, their functions and our relationships to them, the comparison with attributing legal personhood to corporations might stand or not, and the reasons for that need further exploration.

3.2 AIs as things

Whereas on the eventual legal personhood of AIs a considerable amount of time and effort has been expended, arguments in favor of treating these entities as things have not exactly been gathered into an exhaustive, systematic whole.

While some authors have long claimed that it could be more pragmatically reasonable to regard such agents as liable for at least some effects of their own decisions²⁰, in a way making human beings immune to such liability²¹, models for this have been proposed²² based on the institution of *peculium* from Roman law. The argument for electronic slavery²³, it is claimed, is not in this case reprehensible at all. It goes as follows: software agents are artifacts or objects created by humans, so they belong to humans despite their extraordinary intellectual skills. Therefore, they may at most be treated like speaking things, not subjects, just as slaves were in ancient Rome. It is worth noting however that even in ancient Rome slaves sometimes gained legal status, which in some aspects might be considered a kind of proto-subjectivity.

Considering AIs as things is the approach that the European Commission seems to be currently endorsing, or at the very least, it does not seem to be considering such paradigm shifts as the clear attribution of legal personhood or the creation of a new type of legal status for AI. In its recent White Paper²⁴, it has acknowledged a need to examine whether current legislation is able to address the risks of AI and can be effectively enforced, whether adaptations of the legislation are needed, or whether what is necessary is new legislation. It did so strictly in relation to liability though, while clearly stating that ‘any changes should be limited to clearly identified problems for which feasible solutions exist’. Since the White Paper does not identify the legal personhood of AIs as a problem, it follows that what it proposes are minor changes not

²⁰ Solum, B. L.: *Legal Personhood for Artificial Intelligences*, 70 N.C. L. Rev. 1231, 1992, available at: <http://scholarship.law.unc.edu/nclr/vol70/iss4/4>

²¹ Chopra, S. and White, L. F.: *A Legal Theory for Autonomous Artificial Agents*, University of Michigan Press, 2011.

²² Pagallo, U.: *The Laws of Robots*, Springer, 2013.

²³ Bryson, J. J.: *Robots Should Be Slaves* in Yorick Wilks (ed.), *Close Engagements with Artificial Companions*, John Benjamins Publishing Company, 2010.

²⁴ Commission, 19.2.2020 COM(2020) 65 final, *White Paper On Artificial Intelligence - A European approach to excellence and trust*, p.10.

affecting the *status quo* of AIs as things, which is also apparent in the more recent Artificial Intelligence Act proposal²⁵.

The creation of ‘electronic personhood’ or ‘e-personality’, first talked about in then EU Parliament’s 2017 resolution has been met with harsh criticism²⁶, reflected in the change of tune as to the liability regime endorsed in its 2020 Resolution. There is currently no need to give a legal personality to emerging digital technologies we are told. The initial ambition for a paradigm shift manifested in 2017 is thus wholly missing from the more recent document and that despite the fact that ‘moving past an anthropocentric and monocausal model of civil liability’ was seen as a potential ‘unifying event’ in the report on Liability for Artificial Intelligence and other emerging digital technologies²⁷ with which the Commission had shortly before tasked its Expert Group on liability and new technologies.

The European Economic and Social Committee has itself expressed stern opposition to the introduction of a form of legal personality for robots or AI. This would hollow out the preventive remedial effect of liability law, causing a risk of moral hazard in both the development and use of AI to arise and creating opportunities for abuse it is claimed²⁸. Other arguments against this idea are based on the history of legal fictions relating to legal personhood, ripe with examples of legally liable entities, which in reality could not be held accountable or made to incur damages²⁹. Such moral hazard³⁰ must be avoided, albeit the EESC considers the comparison with the limited liability of companies is misplaced, because in that case a natural person is always ultimately responsible³¹.

3.3 AI as *sui generis*

Whether AI systems could be accorded some other form of legal status than personhood or thing-hood, thus entering law’s ontology as *sui generis* entities is ‘a matter of decision rather than discovery’³², and a decision which will most likely be based on

²⁵ Commission, 21.4.2021 COM(2021) 206 final, *Proposal for a Regulation of the European Parliament and of the Council laying down harmonized rules on artificial intelligence (Artificial Intelligence Act) and amending certain Union legislative acts*.

²⁶ Open letter to the European Commission Artificial Intelligence and Robotics, signed by almost 300 professionals and experts in the relevant fields.

²⁷ Expert Group on Liability and New Technologies, New Technologies Formation, *Liability for Artificial Intelligence and other emerging digital technologies*, p. 19.

²⁸ EESC opinion: *Artificial Intelligence - The consequences of artificial intelligence on the (digital) single market, production, consumption, employment and society* (own-initiative opinion), OJ C 288, 31.8.2017, point 1.12, p. 4.

²⁹ Bryson, J.J., Diamantis, M. E., Grant, T. D.: *Of, for, and by the people: the legal lacuna of synthetic persons*, *Artificial Intelligence and Law*, volume 25, no.3/2017, pp. 273–291.

³⁰ EESC opinion: *Artificial Intelligence - The consequences of artificial intelligence on the (digital) single market, production, consumption, employment and society* (own-initiative opinion), OJ C 288, 31.8.2017, point 1.12, p. 4.

³¹ *Idem*, p. 11.

³² Chopra, S. and White, L. F.: *op.cit.*, p.154.

pragmatic rather than conceptual reasons. It helps enormously in deciding hard cases however to have coherent conceptual frameworks. For the issue at hand, coherence might require a departure from the binary division of reality into persons and things, welcoming a new legal category in the legal realm in the form of a new legal fiction.

It has been argued³³ that, when it is an acknowledged legal fiction, such as in the case of corporations, the legal person is at its most abstract and in its most legal form. It is an artificial device of law created and used to further some human interest, such as achieving the ends of commerce. It entails a deeming of something to be true which is known not to be true. The point is to treat it as if it were in order to achieve a desired legal purpose. It is a necessary legal device which critically depends on a so-called legal sense of as-ifness.³⁴ Law is populated, in this view, by beings that are the positive creations of law. They are legal artefacts, created by the endowment of rights and duties to any entity, even rivers and idols³⁵.

A third proposed way of attuning regulation to reality therefore is, perhaps ironically, the creation of a new legal fiction in the form of a specific type of legal status for AIs. The research would have to first focus on the concept of legal fiction. In doing so, it would first analyse the premise of this argument, which is that current legislation is insufficient for dealing with problems of responsibility raised by AIs. It will outline the ways in which it is deemed to fall short and the counter-arguments to those failings, making use of the previous two sections' yield in analytical outcomes.

It will then evaluate the adequacy of creating such a legal fiction as a solution or pragmatic tool for ensuring liability. This will entail an in-depth analysis of the use of legal fictions and of their purported goal of organizing and/or pacifying relations between beings, in order to evaluate the opportunity of creating such a fiction in the context at hand. It will try to contextualize the alleged pragmatism of such an enterprise and offer a comprising answer to the question of its nature.

4 The methodology

This research will adopt a mixed methodological approach. It will resort to the following methods:

- Black letter law - relying on primary sources (applicable EU regulations and directives, relevant case-law thereof) and secondary sources (such as legal doctrine and research papers) to interpret, explain, locate and update primary sources ;
- Comparative law – taking a functional approach to compare how AI-based entities are regulated in a number of selected countries;

³³ Naffine, N.: *Legal Persons as Abstractions: The Extrapolation of Persons from the Male Case*, in *Legal Personhood: Animals, Artificial Intelligence and the Unborn*, Springer, Law and Philosophy Library, Volume 119, 2017, p.16.

³⁴ The philosophical and legal concept of 'as-ifness' is propounded at length by Vaihinger, H.: *The Philosophy of As-If*, Routledge, 1968.

³⁵ Solaiman, S. M.: *Legal personality of robots, corporations, idols and chimpanzees: a quest for legitimacy*, 25 (2) Artificial Intelligence and Law, 2017, pp. 155-179.

- Qualitative research methods – selection and analysis of accessible and representative case-studies likely to inform and substantiate the theoretical approach to be developed in this research ;
- Inter and cross-disciplinary research - inputs from different disciplines will be considered when their contribution is necessary to construct the legal arguments in this study. They will include among others legal theory and philosophy of law investigations into personhood, as well as insights from bioethics, biolaw or computer science.

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WORK EXPERIENCE

1 Sep 2020 – present

PhD Student

Centre for Philosophy of Law (CPDR), Institute for Interdisciplinary Research in Legal Sciences(JURI), Université Catholique de Louvain, Louvain-la-Neuve (Belgium)

- Preparing a thesis on the theme '*Beyond persons and things: the legal status of artificial intelligence*' under the guidance of Prof. Christophe Lazaro;
- Participating in the creation and, under the direction of Prof. Lazaro, the running of the interdisciplinary research unit on digital society (CRINUM) of the CPDR, which, jointly with the Center for Business and Society Law (CRIDES), created the Research Group on Data, Robotics, Artificial Intelligence, Law & Society ([DRAILS](#));
- Participating and presenting my work in interdisciplinary meetings within UCLouvain with the Laboratory of Prospective Anthropology, the European Center of the Faculty of Philosophy, and the Research Team in Sociology of Law, as well as the informal book club Doctolunch held with the other PhD Students in the Institute;

2 Sep 2019–25 Aug 2020

Senior Compliance Associate

Amazon Development Centre, Iasi (Romania)

- Ensuring legal compliance with EU regulations for dangerous and offensive goods retailed by Amazon on various European marketplaces (Spain, Italy, France, UK, Germany);
- Direct collaboration with the corporate legal department;
- Microsoft Excel in-house training.

1 Mar 2018–30 Sep 2018

Trainee in the Migration, Asylum and Borders Sector of the Freedoms and Justice Department

European Union Agency for Fundamental Rights (FRA), Vienna (Austria)

- Supporting the implementation of the FRA research project titled '*Responses to the 2015 asylum emergency: assessing the long-term impact on fundamental rights*';
- Taking part in a project management training aimed at detailing the life cycle of a research project from a practical perspective;
- Compiling and updating an overview of on-going migration and asylum-related projects to link up with across Europe in order to disseminate research outcomes;
- Reviewing incoming materials and drafting selected parts for the publication of the FRA monthly updates on migration;
- Conducting brief research and fact-checking for FRA's Fundamental Rights Report 2018, specifically for the section dedicated to Asylum, visas, migration, borders and integration;
- Offering general and space support for the Fundamental Rights Forum of September 2018, which brought together leading European and global agents of change, including high- level representatives of all major international, regional and national human rights organizations;
- Legal research on other issues covered by the Freedoms and Justice Department, for example in relation to FRA's Schengen evaluations risk analysis in the fields of return and border management.

Jan 2018–Feb 2018

Compliance Associate Intern

Amazon Development Centre, Iași (Romania)

- Ensuring the satisfaction of legal requirements set by regulatory bodies in the EU (and more specifically in France) and Canada for goods retailed on these Amazon marketplaces;
- Performing complex searches using internal tools for the identification and take-down of non-compliant goods.

Oct 2014–7 Jul 2017

Volunteer

Law Students' Association of „Alexandru Ioan Cuza” University, Iasi (Romania)

- Member of the Development Department, in charge of seeking opportunities for new engagement and collaboration for the association;
- Head of research for a series of projects that I helped document the creation of, such as a Legal Clinic providing *pro bono* legal advice for vulnerable persons.

Jul 2015-Jan 2015 and
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Customer Service Advisor (French and English)

Capgemini Consulting, Iasi (Romania)

Nov 2014–Dec 2014

- Single point of contact for documenting, solving or otherwise escalating customers' IT-related issues and providing information regarding their product or service via e-mail or phone;
- Ticketing using online tools for outsourced cooperation and SAP ERP account management;

Intern

Prefect's Office, Iași (Romania)

Oct 2012–Nov 2012

- Assisting with the legal tasks of the land registry and archive.

Intern

Probation Office, Iași (Romania)

- Assisting probation officers in the analysis of cases, with probation planning and while conducting meetings with beneficiaries.

EDUCATION AND TRAINING

Oct 2015–Jul 2017

Master's Degree in European Law

Level 7 EQF

Law school of „Alexandru Ioan Cuza” University, Iași (Romania)

Graduated with maximum average grade and a dissertation on the case-law of the Court of Justice of the European Union in matters of Refugee Law

Jan 2016–Jun 2016

Erasmus + Study Mobility

Level 7 EQF

University of Angers, Angers (France)

A 'Master 1' semester validated with top grades in International and European Law

Oct 2011–Jul 2015

Bachelor Degree

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Law school of „Alexandru Ioan Cuza” University, Iași (Romania)

Graduation paper on the preliminary rulings system of the Court of Justice of the European Union defended with the top grade.

Mar 2014–Jul 2014

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Pierre Mendes University, Grenoble (France)

A semester in the 'Carrières juridiques' specialization validated with top marks.

PERSONAL SKILLS

Mother tongue(s) Romanian

Foreign language(s)

	UNDERSTANDING		SPEAKING		WRITING
	Listening	Reading	Spoken interaction	Spoken production	
English	C2	C2	C2	C2	C2
	Cambridge ESOL Level 3 Certificate in Advanced English				
French	C2	C2	C2	C2	C2
	Erasmus+ Online Linguistic Support Certificate				
Spanish	C1	B2	B2	B2	B1

Levels: A1 and A2: Basic user - B1 and B2: Independent user - C1 and C2: Proficient user
Common European Framework of Reference for Languages

Communication skills

- Excellent skills in tailoring communication to diverse audiences such as managers, supervisors, collaborators, clients, new colleagues (as a trainer or mentor) and even high school students (due to graduating an auxiliary teaching module in university);

- Trained in structured, argumentative and persuasive discourse due to my participation in the Central and East European Moot Court Competition organized by the University of Cambridge and Clifford Chance in 2015 in Tbilisi, Georgia, pleading as a member of the team representing „Alexandru Ioan Cuza” University in Iași.

Organizational / managerial skills

- Helped with the timely and efficient management of a cross-country EU research project, ensuring seamless cooperation between multiple stakeholders;

Job-related skills

- In charge of training sessions on customer service standard operating procedures for a team of 10;
- Coordinated a research team of 5 tasked with documenting the functioning of a legal clinic in my capacity as Head of Development, while volunteering for the Law Students' Association.

- Critical thinking, analytical skills and self-discipline (as a result of individual and PhD research);
- Time-management (balancing full-time work while finishing my master's degree with top grades).

Digital skills

SELF-ASSESSMENT				
Information processing	Communication	Content creation	Safety	Problem solving
Proficient user	Proficient user	Proficient user	Proficient user	Proficient user

Levels: Basic user - Independent user - Proficient user
[Digital competences - Self-assessment grid](#)

BAC Diploma

ADDITIONAL INFORMATION

Publications

▪ *'AI in the EU: a legal odyssey'*, Scientific Annals of „Alexandru Ioan Cuza” University, Iași, ISSN 1221-8464, tome LXIV, 2018, supplement, p.63, available at: <http://pub.law.uaic.ro/ro/volume-publicate/2018/anale-uaic-tomul-lxiv-tiine-juridice/diana-mdlina-mocanu-ia-in-ue-o-odisee-legal/>

▪ *'Refugee Law Proceedings in the case-law of the Court of Justice of the European Union'*, Scientific Annals of „Alexandru Ioan Cuza” University, Iași, ISSN 1221-8464, tome LXIV, 2018, supplement, p.11

▪ *'The Court of Justice of the European Union as Refugee Law Court'*, Moldavian Magazine of International Law and International Relations, ISSN 1857-1999, E-ISSN 2345-1963, no.4, 2016, p. 580, available at: http://www.usem.md/uploads/files/Activitate_%C8%98tiin%C8%9Bific%C4%83%20USEM/rmdiri/RMDIRI_2016_Nr_4.pdf

▪ *'Short insight into the problems of the preliminary ruling system of the European Union'*, 2014, Lawyr.it, Cluj-Napoca, Romania, available at: <https://www.lawyr.it/index.php/articles/internationalfocus/401-short-insight-into-the-problems-of-the-preliminary-ruling-system-in-the-european-union>

Presentations

▪ *'AI in the EU: a legal odyssey'*, presented at the Conference 'Legal Perspectives concerning the Internet', held on the 27th of October 2018 at 'Alexandru Ioan Cuza' University, Iași, later published as an article in the eponymous scientific journal

▪ *'Mooting'*, presented during SummerIS 2016, a project of the Law Students' Association of 'Alexandru Ioan Cuza' University and aimed at popularizing law school as a choice for high school graduates

▪ Speech on refugee law at the invitation of the European Law Students' Association's Iași branch on ELSA Day 2016, opening the debate *'Migration as a phenomenon between integration and loss of national identity'*

▪ *'The Court of Justice of the European Union as Refugee Law Court'*, presented at the Conference *'Migration - a poisonous apple for Europe?'*, held in October 2015 at 'Alexandru Ioan Cuza' University, Iași, later published as an article in the Moldavian Magazine of International Law and International Relations.

Honours and awards

▪ Academic excellence diploma for surpassing the ECTS threshold requirement for validating an Erasmus semester in 2016 (34 ECTS);

▪ Student of the year in 2011, as a result of my being valedictorian in high school and having participated to numerous regional and national competitions in Logic, Philosophy, English and Latin, including as one of 4 representing Romania at Certamen Ciceronianum Arpinas in Italy, an international Latin translation and commentary competition honoring the work of Roman statesman, orator, lawyer and philosopher Marcus Tullius Cicero.

Courses 2-year teaching class, auxiliary to my university studies and graduated from in 2015