

# GOVERNANCE OF NEW TECHNOLOGIES

## TECHNOLOGICAL INNOVATIONS, MARKET COMPETITION, AND PUBLIC POLICY

Workshop at the TUM Akademiezentrum Raitenhaslach, 10-12 February 2020, Roter Salon

### Convenors:

Tim Bütke

*Hochschule für Politik/TUM School of Governance & TUM School of Management,  
H2020-TRIGGER Project; Duke University, Kenan Institute for Ethics*

Hanna Hottenrott

*TUM School of Management*

Zlatina Georgieva

*Hochschule für Politik/TUM School of Governance*

Nora v. Ingersleben-Seip

*TUM School of Governance, H2020-TRIGGER Project*

*This workshop seeks to identify and examine, from a variety of disciplinary perspectives, the distinctive challenges and opportunities that arise for policymakers, private actors, and civil society in the governance of innovative new technologies. Based on the assumption that understanding the need for – as well as the limits of – laws, regulations, "voluntary" standards and other forms of governance of new technologies requires close attention to the particular characteristics of specific technologies, the presentations, keynotes and discussions will focus on the governance of artificial intelligence, on digital platforms/two-sided markets and their implications for market competition and innovation, as well as (more tentatively) on extended reality (augmented and virtual reality) as an emerging new technology that arguably raises a quite distinct set of governance issues.*

### **DAY 1: MONDAY, 10 February 2020\***

#### GOVERNANCE OF ARTIFICIAL INTELLIGENCE (AI)

8:40 Shuttle from Hotel Glöcklhofer to TUM Akademiezentrum Raitenhaslach

9:00 - 11:00 **PROMISES & CHALLENGES FOR SOCIETY, PUBLIC POLICY AND THE PRIVATE SECTOR**

**Marie-Valentine Florin** and Aengus Collins (École Polytechnique Fédérale de Lausanne (EPFL),  
International Risk Governance Center): Governance of and by Machine Learning in Europe

**Joanna Bryson** (Hertie School of Governance): Smart Policies for Artificial Intelligence

**Timo Seppälä** (Aalto University & Research Institute for the Finnish Economy): AI in the Finnish Private  
Sector: A Landscape Analysis of Knowledge and Lessons Learned

11:00 - 11:30 *Coffee Break*

11:30 - 13:30 **AI STAKEHOLDERS' DEMANDS AND PREFERENCES FOR GOVERNANCE**

**Sönke Ehret** (University of Bern and HEC Lausanne):  
Public Preferences for Restricting AI: Comparative Evidence

**Benjamin Allen Stevens** and Peter Loewen (University of Toronto):  
What Kind of Algorithmic Governance do Citizens Support?

David Leslie, **Christina Hitrova** and Josh Cowls (Alan Turing Institute; Oxford Univ.): A Bottom-Up  
Approach to Building a Coherent AI Governance Policy Portfolio: The Case of the UK

13:30 - 14:20 **Lunch Break**

\* For Feb.9 arrivals, dinner at "Gasthaus zur Reib" at 19:00; transport departs from Hotel Glöcklhofer to restaurant at 18:45.

14:20 - 15:40 GOVERNMENT REGULATION OF AI USE: CONTEMPORARY PRACTICES & CHALLENGES

**Jonghan Lee and Seung-Hun Hong** (Korea Institute of Public Administration, Division of Regulatory Innovation Research): Making Regulation Flexible for the Governance of Disruptive Innovation: A Comparative Study of the EU, South Korea and the US

Gregory Michener and **Ivar Hartmann** (EBAPE/ Fundação Getulio Vargas Law School, Rio de Janeiro): Artificial Intelligence in Latin America: Results of Regulatory and Transparency Evaluations on Governmental Uses of Facial Recognition Software

15:40 - 16:00 *Coffee Break*

16:00 - 17:30 EARLY-STAGE RESEARCH PRESENTATIONS: EXPLAINING EMERGING AI REGULATIONS

**Ronit Justo Hanani** (Tel Aviv University): European Risk Governance of Artificial Intelligence: Explaining the Emerging Regulatory Policy

**Frans af Malmborg** and Jarle Trondal (University of Agder): The Ideational Power of Artificial Intelligence Policy Development in the Nordic Region

**Carl Gahnberg** (Graduate Institute Geneva): Stopping Stupid AI: Lessons for Probabilistic Governance

17:30 - 18:00 *Coffee Break*

18:00 - 19:15 Keynote Address: DATA, AUTOMATION, AND RESPONSIBLE DIGITAL LEADERSHIP

**Mark Nitzberg** (University of California, Berkeley, Center for Human-Compatible AI)

19:30 *Shuttle from TUM Akademiezentrum Raitenhaslach (conference venue) to "L'Antico Borgo" (restaurant), In den Grüben 195B, 84489 Burghausen*

19:45 **Dinner** at Restaurant L'Antico Borgo (+49-8677-6697682)

**DAY 2: TUESDAY, 11 February 2020**  
**DIGITAL MARKETS, COMPETITION LAW & POLICY AND INNOVATION**

8:15 *Shuttle from Hotel Glöcklhofer (8:20 from Gartenhotel Salzach) to TUM Akademiezentrum Raitenhaslach*

8:30 - 10:30 **COMPETITION & INNOVATION**

**Dirk Czarnitzki** (Leuven University):

Public Procurement As A Policy Instrument For Innovation

Thomas A. Fackler, Markus Nagler, Monika Schnitzer and **Martin Watzinger**

(Ludwig Maximilians University, Munich): How Antitrust Can Spur Innovation:

Bell Labs and the 1956 Consent Decree

**Tim Bütthe** and **Cindy Cheng** (Hochschule für Politik at the Technical University of Munich, TUM):

How Many Law(yer)s Does It Take to Turn a Light Bulb?

Competition Law, Judicial Independence, and Innovation

10:30 - 11:00 *Coffee Break*

11:00 - 12:20 **TERMS AND CONDITIONS AND THE GOVERNANCE OF PLATFORMS**

Danielle Condorelli and **Jorge Padilla** (Compass Lexecon):

Harnessing Platform Envelopment through Privacy Policy Tying

Eric K. Clemons, **Helmut Krcmar** and Frantz Rowe (TUM Computer Science & SOM):

The Cooperation Paradox: When Industry Cartels Increase Competition

12:20 - 13:20 *Lunch Break*

13:20 - 14:40 **COMPETITION POLICY IN THE DIGITAL ECONOMY?**

**Jörg Hoffmann** (Max Planck Institute for Competition and Innovation, München):

Open Data and Innovation – Data Access Regulation Against the Backdrop of the PSD2 Access to Account Rule

**Viktoria Robertson** (University of Graz): Antitrust Market Definition in Digital Times

14:40 - 15:00 *Coffee Break*

15:00 - 16:15 Keynote Address: **MEASURING MARKET POWER IN THE DIGITAL ECONOMY**

**Helena Malikova** (European Commission, Directorate General Competition)

16:15 - 16:45 *Coffee Break*

16:45 - 18:45 **COMPETITION LAW & POLICY AS REMEDY FOR THE ABUSE OF NEW TECHNOLOGIES: MISSION (IM)POSSIBLE?**

**Francisco Beneke** (Max Planck Institute for Competition and Innovation, München):

Remedies for Algorithmic Tacit Collusion

**Thibault Schrepel** (Utrecht University):

The Fundamental Non-Importance of Algorithms for Competition Law

**John Zysman** (University of California, Berkeley):

Platforms, Competition, and Innovation: Concluding Remarks

19:00 *Shuttle from TUM Akademiezentrum Raitenhaslach (conference venue) to Hotel Glöcklhofer*

20:00 **Dinner** at Augustiner am Stadtplatz (Bruckgasse 104, 84489 Burghausen, +49- 8677 8785900)

**DAY 3: WEDNESDAY, 12 February 2020**  
**AI GOVERNANCE – AN INDUSTRY PERSPECTIVE**

8:15 *Shuttle from Hotel Glöcklhofer to TUM Akademiezentrum Raitenhaslach*

8:30 - 10:00 **ROUNDTABLE WITH PRIVATE SECTOR STAKEHOLDERS ON AI GOVERNANCE**

Participants:

**Moritz Grumbach** (Chief Strategic Officer, Cognostics)

**Dirk Ramhorst** (Chief Information Officer and Chief Digital Officer, Wacker Chemie)

**Jimmy Song** (Touch Surgery & VR/AR Business Consultant)

10:00 - 10:30 **Coffee Break**

10:30 - 12:00 **LEGITIMACY AND POWER IN AI GOVERNANCE**

**Daniel Mügge** (University of Amsterdam): **Governing European AI Legitimately – What Does It Take?**

**Nora von Ingersleben-Seip** (TUM School of Governance & TRIGGER) and **Andrea Renda** (College of Europe, Centre for European Policy Studies & TRIGGER): **(Un)evenly Distributed Futures? Concerns for Absolute Versus Relative Gains in the Governance of Artificial Intelligence in the European Union, the United States, and China**

**Josh Cowls**, **Huw Roberts**, **Mariarosaria Taddeo** and **Luciano Floridi** (Alan Turing Institute; Oxford Univ.): **Defining Digital Sovereignty: Who Takes Decisions in the Age of AI?**

12:00 - 12:30 *Optional Cultural Program: Tour of the Akademiezentrum Raitenhaslach*

12:30 - 13:30 **Lunch**

13:30 - 15:00 **EXTENDED REALITY: AN EMERGING TECHNOLOGIES GOVERNANCE CHALLENGE?**

Participants:

**Jimmy Song** (Touch Surgery & VR/AR Business Consultant)

**Kai Klinker** (TUM, Department of Computer Science)

*The organizers gratefully acknowledge support from the Technical University of Munich, the Hochschule für Politik at the Technical University of Munich (Chair for International Relations), and the European Union's Horizon 2020 Program (Research and Innovation Programme grant No. 822735 to the H2020 TRIGGER Project). Any opinions, findings, and conclusions or recommendations expressed in the context of the workshop are those of the authors and participants and do not necessarily reflect the views of the European Union or any other funders*