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## REVIEWS AND ANNOTATIONS

### Prague Law Working Papers Series No III/2023 – New issue of Charles University in Prague Faculty of Law Research Papers

The new issue of Prague Law Faculty's open-source electronic periodical offers a set of working papers on various topics. The following provides a general outline of their content. Their full versions can be downloaded free of charge from <http://www.prf.cuni.cz>

**Michal Černý** contributed a paper titled: **Potential Challenges and Benefits Arising from a Partial Delegation of References for Preliminary Ruling to the General Court**. In his article, the author states that since the ratification of the Treaty of Nice, there has been an option to delegate part of the jurisdiction over references for a preliminary ruling to the General Court. Now, the Court of Justice has issued a request in this regard. It proposes to delegate jurisdiction over references for a preliminary ruling in five different branches of law. Such a reform would probably have several negative consequences while bringing one crucial benefit – reducing the time needed to issue a preliminary ruling. The issue at hand provides a wide field for argumentation in favour or against the proposal and may potentially represent a critical point concerning the future of the EU's judicial architecture. Based on the analyses delivered, the author declares himself wholly convinced that the request submitted by the Court is reasonable and shall be supported. The proposed changes are, however, of note, and every amendment must be discussed in detail and passed in a form which will negatively affect the European legal system as little as possible.

**Andreas Nanos** treated in his contribution the topic: **Defective Digital Products and Services in Compliance with the 'Digital Content Directive': Assessing Non-GDPR Compliant Digital Products as 'Defects'**. His research paper delves into the legal aspects of the Directive (EU) 2019/770, commonly known as the "Digital Content Directive," and its impact on harmonizing the European internal market. A pivotal question arising from this directive revolves around the determination of defect products, specifically, the criteria for categorizing a product as "defective." In cases where the digital product fails to deliver the advertised service, the answer is relatively clear-cut. However, identifying defects or defective products becomes considerably more complex when the product functions properly but fails to comply with specific national or European laws. The present paper critically examines whether a digital service or product can be deemed defective under the Digital Content Directive and German national law when it violates the European General Data Protection Regulation (GDPR). German private law serves as an illustrative example in this analysis. By undertaking a comparative analysis of the Digital Content Directive, German national law, and the GDPR, the article aims to shed light on the intricate relationship between defect determination and GDPR non-compliance.

The same author, **Andreas Nanos**, has added a second text in this edition: **Criminal Liability of Artificial Intelligence**. Artificial intelligence is a new and extremely quickly developing technology, which is expected, and maybe even feared to bring enormous changes in every aspect of our society. Certain AI applications, such as autonomous driving, possess inherent risks that could potentially infringe upon individuals' protected rights, cause physical harm, or even lead to fatalities. Consequently, a reliable legal framework is indispensable, particularly concerning issues of liability when unintended events occur due to AI technology. Establishing comprehensive rules and regulations is crucial not only within the realm of private law but also in addressing the criminal implications arising from AI-related harm or loss of human life. For instance, questions may arise regarding criminal negligence in cases involving AI. As AI continues to advance and become more prevalent, future criminal law must be adequately prepared and potentially adjusted to effectively address the complex challenges and nuances associated with the criminal liability of artificial intelligence. This

requires a careful examination of existing legal frameworks and the formulation of updated guidelines that account for the unique nature of AI systems and their potential consequences in terms of criminal culpability. By doing so, society can ensure that the legal system remains well-equipped to address any criminal aspects arising from the use of AI technology.

**Veronika D'Evereux** wrote a very topical text called: **Assessment of the Approach of the Selected International and National Non-Governmental Organisations Specialising in Addressing the Current Issues of the Israeli-Palestinian Conflict**. Her paper focuses on the assessment of the approach of several selected organisations, mainly on Amnesty International, Human Rights Watch and B'Tselem. These organisations focus on their own independent research of alleged violations of public international law, most often they hold that the State of Israel is responsible for the violations. They mainly accuse the State of Israel from the crime of apartheid, violations of human rights and persecution. These organisations publish the results of their findings. In addition, Amnesty International also delivers the reports to the International Criminal Court. The impact of the activities of these organizations is significant although these organisations are constituted from the individuals. The organisations do not have the ability to accept legally binding decision from the perspective of the international law and their reports do not have comparable effects to e.g., Security Council Resolutions. These organizations nevertheless have many supporters and followers, the lay public might attach big importance to the reports of these organizations, therefore these organisations might have significant impact on creating public opinion. The aim of her paper is to examine the contribution of these organisations in addressing the international legal aspects of the Israeli Palestinian conflict.

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