

SELECTION OF ONE ASSOCIATE PROFESSORS FOR THE ACADEMIC RECRUITMENT FIELD 12/A1 PRIVATE LAW, AT THE ACADEMIC CLASS OF SOCIAL APPLIED SCIENCES - INSTITUTE OF LAW, POLITICS AND DEVELOPMENT PURSUANT TO ART. 24, SUBSECTION 5, OF ITALIAN LAW 240/2010, ISSUED BY RECTOR DECREE NO. 328 DATED 23/05/2022.

The Committee for the evaluation of Dr. Andrea Bertolini, tenure-track – probationary, assistant professor, in the third year of his temporary contract pursuant to Italian Law no. 240/2010, art. 24 paragraph 3 letter B, in order to promote him to Associate in the Academic Recruitment Field 12/A1 Private Law, at the Academic Class of Social Applied Sciences - Institute of Law, Politics and Development, nominated by the Rector by decree No. 442 dated 24/06/2022, consists of:

- Prof. Ewa Baginska, Professor at the University of Gdansk;
- Prof. Giusella Dolores Finocchiaro Professor of the Academic Recruitment 12/A1 Private Law at the University of Bologna;
- Prof. Antonio Frisoli, Professor of the Academic Recruitment 09/A2 Applied Mechanics at the School member of the Recruitment Committee;
- Prof. Lucilla Gatt, Professor of the Academic Recruitment 12/A1 Private Law at the University Suor Orsola Benincasa;
- Prof. Francesco Macario Professor of the Academic Recruitment 12/A1 Private Law at the University Roma Tre;
- Prof. Attila Menyhárd, Professor at the Eötvös Loránd University.

The Committee convened on 26 September, 2022, at 15.30, has met via teleconference as authorized by the Rector.

Pursuant to art. 5 paragraph 2 of Legislative Decree no. 1172/1948, each member declares that they have no kinship or affinity up to the fourth grade with any of the other members and the candidate, that there are no reasons for abstention in relation to art. 51 of c.p.c. and that he is not in any situation, actual or potential, of conflict of interests with the candidates (as per art. 6 bis of the Legislative Decree No 241/1990).

Prof. Francesco Macario was nominated as President and Prof. Lucilla Gatt as Secretary.

The Committee then reviewed the Call and especially his article 4 and agreed that the candidate shall be assessed according to the parameters established by Ministerial Decree 344/2011, in relation to the compliance of the scientific profile with the "general criteria of qualification for teaching and research required for access to professorial positions at the School" established by the School's Commission for Recruitment and set out in article 1 of the Call.

The members of the Committee stated that the Personnel Office of the School has provided them with an electronic copy of the documentation submitted by the candidate containing: application, curriculum, publications with a declaration in lieu of an affidavit certifying compliance with the original, and a list of all the documents accompanying the application and that they have examined it and made their individual assessments, which are reported in Annex 1 of these minutes.

The Committee then collectively examined the publications, curriculum and teaching activities of the candidate, confronted their individual assessments and reviewed the collegiate assessment annex sub 2 attached to the minutes of which it is an integral part.

Then after a full discussion, on the basis of a unanimous decision, the Committee declared that Dr. Andrea Bertolini:

is qualified to be appointed as associate professor.


Prof. Frisoli (Member of the Recruitment Committee) testified that the evaluation of the candidate, the presentation of the individual assessments, the ensuing discussion and, in general, the whole procedure occurred in full compliance with the rules established by Scuola Sant'Anna and its recruitment committee.

Given the conclusion of the selection procedure for one position of Associate Professor in the Recruitment Field 12/A1 Private Law, at the Academic Class of Social Applied Sciences - Institute of Law, Politics and Development pursuant to art. 24, subsection 5 of Italian law 240/2010, the President declared the work closed.

These minutes, and the attached declarations of the Committee's members connected via teleconference will be given to the Personnel Office in order for these proceedings to be verified, with a decree by the Rector.

The session closed at 16.00.

Read, approved and signed,


Signed by the President for the Committee

ATTACH 1

INDIVIDUAL ASSESSMENTS

Prof. Francesco Mácario

Andrea Bertolini has carried out a significant teaching activity, both at Sant'Anna and the University of Pisa, at the Departments of Law, and Economics and Management. In addition to the courses on Private Law, Principles of Law and on the Private Law of Robotics and AI, which he taught at the University of Pisa, Dr. Bertolini delivered numerous monographic courses on the law of obligations, the law and economics of contracts, on liability models for new technologies, as well as on technoethics and trustworthy AI.

During the contractual period, Dr. Bertolini published 20 contributions, dealing a broad range of topics, including more traditional private law issues, revolving around the law of obligations and product liability. In the research activity Dr. Bertolini has demonstrated substantial capacity to raise funds. This, together with the participation in over 90 international conferences, as well as with the intense consultancy activity for national, European and International (OECD and World Economic Forum) institutions, demonstrates the visibility, and breadth of the international network of the candidate.

Dr. Bertolini is also member to some of the most prestigious scientific associations in his field, including *Civilisti Italiani*, *Società Italiana di Analisi Economica del Diritto*, *European Law Institute*, *euRobotics* (for which he is responsible of the topic group on legal issues).

As far as the institutional activities are concerned, Dr. Bertolini served as a member of the Ph.d in Law, of the Council of the *Dirpolis Institute*, and served as tutor and supervisor of several graduate and undergraduate students.

In the light of the above, I confirm that Dr. Andrea Bertolini is fully qualified to be appointed as associate professor.

INDIVIDUAL ASSESSMENT

Prof. Giusella Finocchiaro

Dr. Andrea Bertolini has carried out relevant research activity, organizing, managing and coordinating national and international research groups focusing on various subject, such as Artificial Intelligence and robotics in the perspective of private law and ethics. Dr. Andrea Bertolini has won a significant number of grants, confirming his capability of contributing to the research in his field of interest.

Since the beginning of its contractual relationship with Sant'Anna, he has been publishing a significant number of scientific contributions on Italian and International journals, as well as chapter of international books. His publications focus both on traditional private law subjects, such as the post-contractual liability, and on topical issues, such as robotics and regulation of Artificial Intelligence. In particular, in the perspective of the law-making process, Dr. Andrea Bertolini has shown his ability to offer critical and grounded legal solutions in the field of Artificial Intelligence. He carried out teaching activity both at Sant'Anna and at the University of Pisa, giving classes in regular university courses, doctoral programs, winter and summer schools. He was the dissertation supervisor of Law University and PhD students.

He took part as a speaker to a relevant number of national and international conferences, showing significant dissemination skills.

Considering all the activities carried out by Dr. Andrea Bertolini, I deem him to be fully qualified to be appointed as Associate Professor.

INDIVIDUAL ASSESSMENTS

Prof. Lucilla Gatt

In his position as Assistant Professor B type, Andrea Bertolini has carried out an intense research activity, publishing works on contract and obligations law but also on technology law, showing a complete mastery of the civil law subject as well as an excellent ability to investigate new and current paths of private law. The work has obtained relevant national and international recognition in the form of awards but also of Dr. Bertolini's involvement in advisory bodies of European level active in the Law&Tech domain with specific regard to the topic of Artificial Intelligence applied to robots. The candidate has then shown excellent ability to attract funds, winning important competitions at national and International level. Andrea Bertolini has carried out pre- and post-graduate teaching activities, organizing, also, relevant training events, declined especially in the field of robot law and this also in execution of the projects won. He has been actively active in doctoral and master's courses, as a lecturer and as a tutor. In the above-mentioned three-year period Bertolini became a member of the most significant associations in the area of civil law, operating at the national and European level and took part as a speaker in numerous meetings and seminars in Italy and abroad. Bertolini has actively participated in the academic life of the 'institution to which he belongs, holding significant roles.

Finally, he has carried out extensive dissemination of his teaching and scientific activities using all

available channels, showing remarkable abilities on this front as well. The overall assessment of the scientific-didactic activity carried out by Dr. Bertolini during the period examined is strongly positive.

INDIVIDUAL ASSESSMENTS

Prof. Ewa Bagińska

1. Andrea Bertolini is educated in Italy and has been holding a type-B researcher position in Scuola Sant'Anna since 2019. He obtained a Ph.D. *summa cum laude* in private law from Scuola Superiore Sant'Anna, Master of Laws (LL.M.) from Yale Law School, and habilitation in the field of private law in 2019. He is Director of the Jean Monnet - European Centre of Excellence on the Regulation of Robotics and AI (EURA)
2. Without doubt Andrea Bertolini is qualified to teach civil law, in particular the law of obligations, the new emerging issues of the law on new technologies and data protection - on all levels of higher education. He has experience in teaching various classes and seminars to undergraduate and graduate students and organized several editions a summer school on the law and new technologies. In my opinion the candidate fulfils the teaching requirements for teaching and research staff binding at the SSSA.
3. Andrea Bertolini has very good international experience, which includes international academic research in various countries. Andrea Bertolini is a member of Associazione Civilisti Italiani and a fellow member the European Law Institute and has participated in the research conducted or organized by ELI. He is also a member of more specialised scientific societies, including euRobotics and SIDE-ISLE.
4. Andrea Bertolini publishes mainly in the area of the law of obligations. A total number of academic publications is 46 and in the last ten years it is 38, including 13 articles in A-class journals in the last 15 years, and a monograph.

His *opus magnum* - monograph "Il postcontratto", il Mulino, 2018 (presented for habilitation degree), has been praised by several bodies; in particular it was awarded the prize of the Foundation for Legal Studies - Irti, as the best monographic study of civil law published in 2018-2019.

Three lengthy studies (between 70-160 pages) on civil liability and drones, civil liability and artificial intelligence, and platforms liability (solicited by the European Parliament) and their scientific ramifications (ia invitations to conferences at different European universities as well by

international public bodies) prove that the scientific expertise and the originality of approach of Dr. Bertolini is well recognized in Europe.

Dr. Bertolini has certainly made an input to the European legal science, in particular by his theses relating to postcontractual obligations and recently also to product liability (see A. Bertolini, *Robots as Products: The Case for a Realistic Analysis of Robotic Applications and Liability Rules*, 5 L., INNO- VATION AND TECH. 214-247). He has developed a risk-management approach with respect to said liability. He has also formulated principles the field of human-machine interaction. The candidate is the recognized author of the publications related to the crossroads of medical liability and product liability (incl. A functional approach to the regulation of AI, in AI-enabled health care: from decision support to autonomous robots, Patron, 2021,). For example, his work *Robotic prostheses as products enhancing the rights of people with disabilities. Reconsidering the structure of liability rules*, International Review of Law Computers & Technology 2015, Nr 29, has also been cited in the Polish doctrine (a phd thesis defended at Warsaw University, Faculty of Law, the thesis subject-matter was tort liability for medical products).

I would also like to note the insurance law aspects of the new technologies covered by Bertolini in his works (see Bertolini, A. (2016). "Insurance and Risk Management for Robotic Devices: Identifying the Problems." Global Jurist (2): 1-24, Bertolini, A. and M. Riccaboni (2020). The Regulation of Connected and Automated Driving. A Law and Economics Analysis of Liability Rules. W. Paper).

These all are works of highest scientific quality, dealing with new and difficult issues and approached comparatively. They are useful to other comparatists in Europe, to regulatory institutions and to commercial companies.

5. Andrea Bertolini has been a coordinator and/or performer in a number of national and international projects, to name a few:

- a) a SIR project "RELIABLE" (Rethinking Ethical and Legal Implications of Advanced Bionic Limbs and Exoskeletons), financed by the Italian Ministry of Research, and of
- b) "Liability and Risk Management" for robotic applications of the Horizon 2020 project INBOTS,
- c) WG6 on "Ethical, Legal, Societal and Economic Issues" of the Horizon 2020 project ROBOCOM ++ (Rethinking Robotics for the Robot Companion of the future).
- d) the European Centre of Excellence on the Regulation of Robotics and AI (EURA)
- e) REGULAITE (Erasmus + National Agency project).

6. In conclusion, the candidate regularly publishes in prestigious English-language European journals and his contributions are thorough, comprehensive and original. His research activities in the last 15 years are sufficiently intensive. The results of his research had impact on European legislative and case law developments. Andrea Bertolini has also been successful in raising research grants and in performing grant contracts. He has also gained good experience in management work and in the organisation of research.

I am truly convinced that Dr Andrea Bertolini fully satisfies the general and the specific requirements for the professorship position ("general criteria of qualification for teaching and research required for access to professorial positions at the School") established by the School. And is fully qualified to be appointed as associate professor.

INDIVIDUAL ASSESSMENTS

Prof. Attila Menyhárd

The research and teaching activity of the candidate focus on the impact of technological development in law and ethics. The range of courses as well as the number of his relevant publications show strong commitment and interest in research fields that are promising. He is able to analyse issues of modern technology and law in traditional context of private law, in particular, contract law. He has been involved in European projects.

The research the candidate conducts has perspective and can contribute to Italian scholarship. Via teaching activity he was able to implement the results of research in legal education. I also find it important that, beyond legal aspects, the candidate addresses ethical issues too. The candidate participated in high level European research projects (including Marie Curie fellowship and different HORIZON, Erasmus and ERC projects) as well as in third party consultancy. The candidate participated in a great number of conferences as a speaker. His research and teaching activity makes it possible to internalize the results with high potential of contributing to institutional development.

I express, without reservation or hesitation, my full positive judgment for Dr. Andrea Bertolini. My firm view is that he is qualified for the position of associate professor at Scuola Sant'Anna.

INDIVIDUAL ASSESSMENTS

Antonio Frisoli

Andrea Bertolini has been holding a type-B researcher position in Scuola Sant'Anna since 2019, obtaining national scientific habilitation in the same sector in the same year.

He has carried out research along two main research lines, the study of law obligations and contract with functional approach and study of the law of emerging technologies.

The candidate presents a considerable scientific production in the area of private law that overcome the threshold required for habilitation as full professor in the same sector. To mention the most relevant contributions, in the first line of research he published a monograph "Il postcontratto" published by il Mulino, 2018 that was awarded a prestigious prize by the Foundation for Legal Studies-Irti.

In the field of law and technology, he has published interested researches on the civil liability and emerging technologies, such as drones and artificial intelligence. These themes are extremely relevant and with high societal impact, being the subject of debate at international level.

Overall in the period under evaluation of service as type-B researcher at Scuola Sant'Anna, he published 5 articles in class A/IS Scopus indexed paper, 3 studies requested by policy-makers, and about 8 chapters in international/national volumes.

He has been speaker in a large number of national and international conferences, and has received several national and international prizes and awards for his research activity.

In terms of teaching activity, Dr. Bertolini has significantly contributed to a number of Phd and undergraduate courses at Scuola Sant'Anna, carrying out as well the supervision of 3 PhD Student, and a number of post-doc fellows.

Overall, I express my full positive judgment for Dr. Andrea Bertolini, who is fully qualified for the position of associate professor at Scuola Sant'Anna.

ATTACH 2

COLLEGIATE ASSESMENTS

Teaching

Andrea Bertolini has carried out a significant teaching activity, both in Italian and in English, as well as tutoring and supervisory activities for undergraduate and graduate students, both at Sant'Anna and the University of Pisa, at the Departments of Law, and Economics and Management.

In addition to the grounding courses on Private Law, Principles of Law and on the Private Law of Robotics and AI, which he taught at the University of Pisa, Dr. Bertolini delivered numerous monographic courses on the law of obligations, the law and economics of contracts, on liability models for new technologies, as well as on technoethics and trustworthy AI both at undergraduate and postgraduate level.

Moreover, Dr. Bertolini organized multiple editions of very successful higher education programs – summer schools and bootcamps – who attracted numerous students from prestigious European and international institutions, as well as managers, and officials from European Institution, including the Parliament and Commission.

Many of those activities were organised within the framework of the Jean Monnet Centre of Excellence (CoE) on the Regulation of Robotics and AI, financed by the EU Commission, which he coordinates since 2018. That is, as of today, the sole CoE directly funded by the EU Commission on the regulation of advanced technologies, and sees the collaboration of partners such as the London School of Economics and the University of Vienna.

Moreover, Dr. Bertolini taught countless seminars and courses in international and national Universities, at postgraduate level, including but not limited to LUISS, Suor Orsola Benincasa, Sapienza, Roma Tre, Liege. At the same time, he organized three international conferences and over 20 seminars with international speakers from various disciplines and institutions, also livestreaming those events and producing video contents uploaded on social media, to increase the visibility of the Institute and of the Scuola.

Dr. Bertolini has received consistently positive evaluations by students, allowing him to score a grade substantially higher than the average of Sant'Anna Professors, as assessed by the office for statistics of Sant'Anna.

Publications

During the contractual period, Dr. Bertolini published 20 contributions. Those include 5 articles on different topics of the private law of emerging technologies, published on prominent national (A class) and international (ISI-Scopus Indexed) journals; 3 large monographic studies – each above 100 pages in length – published by the European Parliament and Commission – with ISBN – on relevant aspects of the regulation of emerging technologies. Said studies were requested in order to ground future policy initiatives by European policymakers on those matters, and elicited relevant debate internationally.

Other publications include chapters in volumes and treatises both national and international, on a broad range of topics, including more traditional private law issues, revolving around the law of obligations and product liability.

Dr. Bertolini is member of the Editorial Board of the Cambridge University Journal on Risk Regulation, and of the Italian *Tecnologie e Diritto*.

Research Activity

Dr. Bertolini has demonstrated substantial capacity to raise funds, and during the contractual period alone won a Jean Monnet Centre of Excellence, and an Erasmus Plus project, both as PI, as well as 2 H2020 projects as coordinator of the Sant'Anna Unit. Dr. Bertolini was also admitted to the latest stage of a European Research Council Consolidator Grant, receiving evaluations of excellence, despite not getting funded.

This, together with the participation in over 90 international conferences, as well as with the intense consultancy activity for national, European and International (OECD and World Economic Forum) institutions, demonstrates the visibility, and breadth of the international network of the candidate.

Dr. Bertolini is also member to some of the most prestigious scientific associations in his field, including *Civilisti Italiani*, *Società Italiana di Analisi Economica del Diritto*, *European Law Institute*, *euRobotics* (for which he is responsible of the topic group on legal issues).

Dr. Bertolini has also demonstrated relevant dissemination capacities – within the Scuola's third mission – by contributing several articles to prominent national newspapers (*Corriere della Sera*) and participating in numerous events for the general public (Focus Live and various TV shows, including one organized by *Milano Finanza* and *CNBC*). Indeed, Dr. Bertolini was appointed to the board of experts for the Masters program on innovation of *Corriere della Sera*.

Institutional Activities

Dr. Bertolini served as a member of the Ph.d in Law, of the Council of the Dirpolis Institute, and served as tutor and supervisor of several graduate and undergraduate students.

The Committee, through unanimous decision, declares full positive judgment for Dr. Andrea Bertolini, who is fully qualified for the position of associate professor at Scuola Sant'Anna.

