LAFUENTE SÁNCHEZ, Raúl, *Inteligencia Artificial y vehículos autónomos: responsabilidad civil extracontractual internacional,* (Aranzadi, Pamplona, 2024)

Artificial Intelligence represents the most significant driver of transformation and progress in this technological revolution. It is a technology that will not only optimize existing developments but also redefine or reinvent the use of technological tools to enhance and amplify human capabilities. In summary, artificial intelligence facilitates the ability of machines to learn, reason, and act in a manner that is analogous to human behavior. The cross-cutting integration of these technologies in different sectors presents significant challenges for legislators, with the autonomous vehicle sector being the focus of this review. The utilization of sophisticated AI algorithms facilitates the real-time processing of information, thereby enabling decisions pertaining to navigation and vehicle control. Consequently, the technology can detect obstacles, recognizing traffic signs and adapting to varying driving conditions. This undoubtedly contributes to a reduction in accidents, as the technology can react more rapidly and effectively to complex situations. The future is now.

The initial chapter is dedicated to an examination of the potential risks, advantages and challenges associated with the advent of artificial intelligence. Additionally, it presents an analysis of the pertinent legal framework from an international perspective, along with a detailed study of Spanish legislation. Furthermore, a comprehensive examination of the European Union context is provided, along with an investigation of the regulatory models that have been implemented in Germany, the United Kingdom, and the Netherlands. The United States, a leading nation in the research and development of these automated vehicles, is also examined. The second chapter analyses the non-contractual liability arising from the use of artificial intelligence systems applied to vehicle driving. Of note is the distinction made by Dr. Lafuente regarding the attribution of non-contractual liability that could exist between the driver as the party causing the damage and the manufacturer. This includes an exploration of the possibilities of shared liability and its transfer, as well as the potential agreements that could be established between both actors. It provides a comprehensive examination of the legal aspects related to the insurance of automated vehicles, articulating the regulatory framework in alignment with the jurisprudence of the European Court of Justice. Furthermore, the analysis considers the legal regime applicable to product liability at the European level under Directive 85/374/EEC, emphasizing the necessity for revision. In this context, fundamental issues such as the right to compensation, the claims procedure and the gathering of evidence, limitation periods, the burden of proof and its possible reversal, as well as the limitation or reduction of liability, are addressed. The chapter concludes with an examination of the US product liability system, which is presented as a potential reference model for the necessary development and updating of the EU legal framework. In the third chapter, prof. Lafuente emphasizes the necessity of updating the existing regulatory framework to address the novel risks that have emerged as a consequence of

the advancement of Artificial Intelligence. These risks are not adequately addressed by the current legal provisions. The author provides an analysis of the various legislative proposals on Artificial Intelligence that have been approved in recent years. These include the Proposal for a Regulation on civil liability for the operation of AI systems, which addresses its purpose, scope of application, and the different liability systems envisaged. In this analysis, the author identifies the relevance of these provisions in the context of damages derived from automated driving, which is characterized by the elimination of the human factor as a criterion for objective imputation of liability. This approach is particularly relevant in cases of manufacturing defects, safety failures or incidents arising from cyber-attacks, and the author provides a well-judged analysis of this. Conversely, the author also directs attention to the analysis of the Proposal for a Directive on non-contractual civil liability and Artificial Intelligence systems. This entails an examination of the implications of the proposal and a delineation of the EU legislator´s intention to conduct an assessment and potential revision of the regulation within a five-year period following the completion of the transposition period into national law. The fourth chapter addresses the question of international jurisdiction in the context of tort liability claims arising from the use of autonomous vehicles. In this context, Dr. Lafuente examines the existing problems, focusing on and developing six aspects of particular relevance. These include the forum of the defendant´s domicile, provided that it is located in the territory of the European Union; special jurisdiction based on the place of the harmful event, analyzed in the light of the evolution of case law of the European Court of Justice; and the forum in matters of insurance, highlighting the relevance of the direct action, which allows the injured party to claim directly from the insurer responsible for the damage caused. Furthermore, the author emphasizes the role of the party autonomy, which is explored through an exhaustive review of the different pronouncements of the ECJ on the subject and the determination of the competent judicial authority in cases where the insurer is domiciled outside the territory of the European Union. Finally, the author considers the interaction between the provisions of Regulation (EU) 1215/2012 and the European initiatives related to the regulation on Artificial Intelligence. In conclusion, the author addresses the applicable law to non-contractual civil liability for international claims involving autonomous vehicles. In the fifth chapter, the Rome II Regulation is examined, with particular focus on the exercise of party autonomy in the use of AI systems, the "lex loci damni" connection criterion and the determination of the applicable law in matters of non-contractual liability for damage caused by defective products. Furthermore, the article provides a comprehensive examination of Article 5 of the Rome II Regulation, encompassing the conflict of law rules that may prove pertinent to the regulation of damage caused by AI systems integrated in autonomous vehicles. Moreover, an examination of the 1971 Hague Convention on the Law Applicable to Traffic Accidents and the 1973 Hague Convention on the Law Applicable to Products Liability is beneficial to ascertain the potential advantages of the Rome II Regulation in comparison to these international instruments. In this context, Prof. Lafuente correctly asserts that party autonomy enshrined in the Rome II Regulation empowers the parties to select the applicable law in the aftermath of an accident, a prerogative that is not encompassed by the 1971 Hague Convention. Furthermore, he emphasizes that the connecting factor based on the common habitual residence of the victim and the party responsible for the accident, as provided for in the Regulation, has substantial advantages. This is particularly the case when both parties

have their habitual residence within the European Union, as this connecting factor fully corresponds to their legitimate expectations. The article concludes with a series of observations concerning the interplay and ramifications of the proposed Regulation and Directive on Artificial Intelligence vis-à-vis the Rome II Regulation and the Hague Conventions.

In summary, this monograph represents an excellent contribution to the field of private international law and is essential reading. Professor Lafuente displays a profound understanding of a complex subject matter, approached with outstanding rigor. Through a legal technique that is distinguished by its depth, clarity of exposition, argumentative coherence and impeccable structure, he facilitates the reader's understanding of the various problems raised and successfully resolves them. It is beyond doubt that this book will become a fundamental point of reference in the of law for all legal professionals and academia.

José Juan CASTELLÓ PASTOR
Profesor Titular de Derecho internacional privado
Universitat de València