Advantages and Constraints from the Perspective of Adopting the AI Act for the Public Administration in Romania

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Abstract

The AI Act is a proposal with an exclusively innovative character in the legislative field, being the first law developed by a major regulatory body in the field of artificial intelligence (AI). The law operationalizes AI applications in three risk categories. First, it considers applications and systems that create an unacceptable risk. Second, high-risk applications are subject to specific legal requirements. Lastly, applications not explicitly banned or listed as high-risk are largely left unregulated. If the path of this act was, without a doubt, a particularly difficult one, the practical application will certainly raise several practical problems, depending on the states that will implement it. We propose, in this work, an analysis of the European normative act, from the perspective, on the one hand of the intentions pursued by the European legislator and, on the other hand, of how Romania will implement the AI legislation. We refer to possible situations in which the Romanian public administration will find itself through the prism of the advantages it can obtain, on the one hand, but also, on the other by the prism of the constraints imposed by the regulations in force. We conclude with some proposals to the legislator in the perspective of obtaining concrete advantages following the implementation of this act.

Keywords: *AI Act, digital Europe, public administration, digitalization.*

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1. A brief overview of the context

With the expansion of the Internet and increased access to connected devices, people around the world are more interconnected than ever. Communication and the exchange of information are possible on a global scale, which makes access to knowledge and resources but also collaboration to grow at an accelerated pace.

In this context, it can be said, quite rightly, that technology is the 'key' to all the fundamental problems of the 21st century and that artificial intelligence (AI) constitutes, in such a perspective, its new frontier, a 'revolution unavoidable technology', comparable to electricity or the automobile[2].

Artificial intelligence is a relatively new field that emerged after World War II (1945) intending to build intelligent machines. But the problem of intelligence and the way of thinking has been discussed for thousands of years, with people with different profiles and interests being involved in the debates: philosophers, neurologists, or psychologists[3].

A simple Google search for the initial AI (Artificial Intelligence) gives the user 12.2 billion results in just 0.35 seconds. It's an indication, certainly relevant, of the phenomenon's scale, and this

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[2] M. Duțu, *Ce fel de reglementare, ce fel de etică, ce drept pentru inteligența artificială* ?, https://www.juridice.ro/essentials/7653/ce-fel-de-reglementare-ce-fel-de-etica-ce-drept-pentru-inteligenta-artificiala, (accessed at 15.05.2024).

[3] Appearance the computer (preceded by the appearance of Turing machines for decode code Nazi Enigma then ENIAC – the first numerical computer what to solve a wide range of problems through reprogramming) did possibly ˇattempt to implementation the ideas existing, related to intelligence artificial ˇ, on these machines (reprogrammable). C. Moldovan, *Inteligența artificială. Note de curs*, University Polytechnic Timisoara, https://mctr.mec.upt.ro/wp-content/uploads/2019/01/Note_de _curs_IA.pdf. The author identifies two large areas of activity in the field of intelligence artificial, one oriented ˇto investigation focused on modelling mathematics ˇand algorithmic ˇof cognitive processes and another on engineering, programming, and construction computing systems (centralized or decentralized) on which to be implementing the algorithms in the view obtain clever artificial.

just a year after the first AI solution appeared.

Both the most important search engines and the big companies of the world have launched their own artificial intelligence applications, for which they have allocated significant funds to create their own AI solutions.

An analysis[4] shows us that 55% of global organizations are in the phase of testing or even exploiting Generative Artificial Intelligence and have opted for increased investments in this segment. In the same context, it is estimated that the volume of spending on the creation of mass and customized artificial intelligence programs will reach USD 64 billion in 2025, at an annual rate of 18%[5].

The legitimate question is 'where?' Or/and 'to where?' Fear of a total human replacement?[6] Obviously not. And hence the advantages – we will be able to be 'helped' and 'made more efficient' by an objective and impartial collaborator.

There are diverse and divergent opinions about AI. That's why it's important to understand what artificial intelligence is used for and how it could be seen as an ally rather than an enemy or competitor.

2. Digital Europe

Digitization has revolutionized the way businesses are run and economies operate. E-commerce, digital services, and online platforms have become essential components of the economy, generating new business models and opportunities for economic growth.

Advances in areas such as artificial intelligence, data analytics, virtual reality, and the Internet of Things (IoT) have opened up new horizons in terms of technological potential. These innovations impact all sectors, from health and education to industry and government. Behaviors and social relationships were significantly influenced[7]. From the way we connect with friends and family to the way we consume entertainment and information, digital technology has fundamentally changed the way we live and interact.

In response to all these challenges, the European Union (EU) has promoted and implemented a series of initiatives and strategies towards building a Digital Europe, firstly to stimulate innovation, competitiveness, and digital cohesion throughout the region and secondly to keep up with the other states that develop various AI structures and use it at a high level.[8]

In 2010, the Digital Agenda for Europe was launched[9], which was intended to be a strategic

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[4] A. Milcev, *Inteligența artifcială în servicii profesionale, prieten sau dușman,* available on: https://www.juridice.ro/719495/inteligenta-artificiala-in-servicii-profesionale-prieten-sau-dusman.html. (Accessed at 25.04.2024) The Gartner study was conducted in September 2023 and included 1,943 people who participated in a webinar discussing the costs and risks to businesses of generative artificial intelligence. For details, see: https://www.g4media.ro/peste-jumatate-dintre-companiile-globale-testeaza-sau-exploateaza-intelligenta-artificiala-generativa-si-au-crescut-investitiile-pe-acest-segment-studiu-gartner.html (accessed at 20.04.2024).

[5] Forrester appreciates that three categories of AI software will drive growth: AI maker tools, AI-centric software, and AI-infused software. AI-infused software will see the fastest growth as AI adoption in the enterprise becomes more ubiquitous. Since May many details, see: https://www.forrester.com/report/global-ai-software-forecast-2022/RES178146 (accessed at 20.04.2024).

[6] F. Contini, *Artificial Intelligence and the Transformation of Humans, Law and Technology Interactions* in Judicial Proceedings, in Law Technology and Hyman's no. 2/2000, https://lthj.qut.edu.au/article/view/1478/910, http://dx.doi.org/10.5204/lthj.v2i1.1478 (accessed at 15.05.2024).

[7] Regarding the legislation some areas new, technical, need implementation in accord with life sociable and economic, see C. Twigg-Flesner Disruptive Technology – *Disrupted Law? How the Digital Revolution Effects (Contract) Law*, in A. De Franceschi (ed.), *European Contract Law and the Digital Single Market,* Intersentia, 2016, Cambridge University Press, 2017, https://doi.org/10.1017/9781780685212.

[8] Y. Cao, Y. Sun, C. Li, J. Du, H. Lin, *CAILIE 1.0: A data set for Challenge of AI in Law – Information Extraction V1.0,* in AIOpen, vol. 3/2022, pp. 208–212, http://dx.doi.org/10.1016/j.aiopen.2022.12.002, available at: https://www.sciencedirect.com/ cience/article/ pii/S26 66651022000237, accessed at 15.05.2024.

[9] EUROPE 2020 – A strategy for smart, sustainable and inclusive growth – COM (2010) by 2020. Digital agenda it is based on the results of extensive consultations publicly organized by the Commission in 2009, regarding priorities future in the ICT subject. Were taken into account conclusions TTE Council of December 2009, the Europe 2020 strategy, and contribute of ICT industrial partnership at Strategy for a Digital Europe. All these are based on the conclusions report looking competitiveness digital 2009 – COM (2009) 390 of the report regarding 2015 EU drawn up by the European Parliament on its initiative and the statement adopted at the meeting ministerial informal meeting that took place in Granada, in April 2010. For details, documents available at: http://ec.europa.eu/ information_society/eeurope/ i2010/index_en.htm (accessed at 20.04.2024).

framework for increasing the competitiveness of the European digital economy. This included several general objectives: connecting to broadband internet, increasing cyber security, promoting industrial digitization and the digital economy, as well as improving the digital skills of citizens and entrepreneurs.

Another important step was the Digital Single Market Strategy[10]: Launched in 2015, its main objective is to eliminate barriers to digital trade[11] and digital services within the EU. It focuses on issues such as data protection, copyright, and consumer rights in the digital environment, removing geographical restrictions on online content and boosting digital innovation.

A little later, in 2018, the Strategy for Artificial Intelligence (AI)[12] sets out a framework for the development and responsible use of artificial intelligence in the EU. Investments in AI research and development are encouraged and the use of AI in the public and private sectors is promoted, all within an ethical framework, transparency and in full safety and security.

A central element in the entire European digital strategy was the adoption, in 2016 (applicable from 2018) of the General Data Protection Regulation (GDPR), an EU regulation that establishes strict rules for the protection of personal data and individual rights in the digital age. It imposes clear obligations on organizations that collect and process the personal data of EU citizens and set out penalties for breaches of these rules[13].

Digital Europe Programme: Launched in 2021, the Digital Europe Program is an EU funding program to support investment in key digital technologies such as artificial intelligence, the cloud and cyber security. The program aims to strengthen the EU's digital capacity and facilitate the transition to a digital economy and society.

These initiatives and strategies reflect the EU's commitment[14] to promoting a competitive, innovative, and value-based digital Europe where digital technology is used to benefit all European citizens and businesses.

3. AI Regulation Act

In recent times, there has been a notable increase in both research and practical implementation of AI. And this extends to multiple areas of social life and, in this framework, law felt obliged to intervene, even reaching discussions about a new order in the language of the science of law[15]. Because all these transformations in society test the legal architecture of states, both at the constitutional level and from the perspective of infra-constitutional regulations, their catalyst being closely linked to significant digital developments[16].

After the scientific and industrial revolutions, the end of the 20th century marked the beginning of the digital revolution, and the transformation that contemporary society is experiencing are comparable to those that led to the previous major constitutional changes, generated by the technological revolution[17].

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[10] https://ec.europa.eu/archives/commission_2010-2014/president/news/press-releases/pdf/20100510_1_en.pdf (accessed at 15.05. 2024).

[11] T. Papp, Legal dogmatic questions about the Impact of the European Union's Digital legislation on Hungarian Contract Law, in *Juridical Tribune - Review of Comparative and International Law*, vol. 14, Issue 1/2024, pp. 47–59, DOI:10.62768/TBJ/2024/14/1/03.

[12] Communication from the European Commission on intelligence artificial for Europe, COM (2018)237, https://eur-lex.europa.eu/ legal-content/RO/TXT/HTML/?uri=CELEX:52018DC0237 (accessed at 20.04.2024). Communication involves the growth capacity technological and industrial training for socioeconomic changes concomitant with insurance an appropriate ethical and legal framework.

[13] M. Chum, *Balancing GDPR requirements for the protection of data subjects with the policy goal of strengthening AI uptake and innovation under the European Commission's 'AI Regulation' proposal of April 2022*, Humboldt Universitat de Berlin, at https://edoc.hu-berlin.de/ bitstream/handle/18452/26205/master_chum_marie.pdf (accessed at 15.05.2024).

[14] For the situation within the European Council, see D.-M. Șandru, „Consultare privind reglementarea inteligenţei artificiale în cadrul Consiliului Europei", in *Pandectele Române* no. 2/2021, pp. 137–138.

[15] M. Danil, *O nouă ordine în limbajul ştiinţei dreptului*, Universul Juridic Magazine 3/2024, available on: https://www.universul juridic.ro/o-noua-ordine-in-limbajul-stiintei-dreptului-partea-a-doua/, accessed at 15.05.2024).

[16] E. Celeste, *Digital constitutionalism. The role of internet bills of Rights*, Routledge, Taylor&Francis Group, London, New York, 2022, pp. 77–89, https://doi.org/10.4324/9781003256908.

[17] A. Stănciulescu Alexe, „Revoluția digitală. Constituționalismul digital. O nouă paradigmă", in *Dreptul* no. 12/2023, consulted on www.sintact.ro.

In all this broad context, on March 13, 2024, the European Parliament adopted, after 2 years of work, a *Regulation Establishing Harmonised Rules on Artificial intelligence* (artificial intelligence law), the first legal framework in the matter[18].

The Regulation on Artificial Intelligence (AI Act), adopted by the European Union, represents a significant initiative to regulate the development and use of artificial intelligence (AI) in the European space. Its main purpose is to ensure a clear and coherent legal framework for the use of AI, with a focus on the protection of EU citizens' fundamental rights and values. When analyzing from the perspective of the main content and objectives, we note that the AI Act establishes clear definitions for various specific concepts and specifically identifies certain categories of AI systems that fall under its purview. On the other hand, we note that its scope is wide and covers both public and private entities developing or using AI in the EU.

Also, the Regulation establishes specific categories of AI systems considered to be particularly dangerous or high-risk and, for these cases, imposes specific requirements to point out the need for risk assessment, ensuring transparency and explainability, as well as guaranteeing compliance with ethical and security standards.

The AI Act establishes, through its regulations, a compliance assessment process for high-risk AI systems, which involves an independent assessment of risks and technical characteristics. For certain categories, it is considered necessary to obtain a certificate of conformity issued by conformity assessment bodies.

The regulation imposes obligations regarding the transparency and explainability of AI systems, intending to ensure a correct understanding of how it works but also of the potential impact on individuals and society as a whole.

In the area of individual rights and data protection, the AI Act strengthens individual rights regarding the use of AI systems and protects personal data under the General Data Protection Regulation (GDPR).

It prohibits the use of discriminatory or unfair AI-based practices and imposes specific data security and privacy obligations.

The AI Act provides for the establishment of effective mechanisms for the supervision and enforcement of the regulation, including the establishment of a European-level AI supervisory body and appropriate sanctions for its violations.

Overall, the AI Act represents a significant EU effort to regulate the use of AI responsibly and ethically, ensuring the protection of citizens' fundamental rights and values, while promoting innovation and competitiveness in artificial intelligence.

3.1. Analysis of the main provisions and implications of this regulation for companies, organizations, and citizens

When analyzing the provisions and implications of the AI Act for organizations and citizens, we observe both aspects related to the responsibility and compliance of companies, as well as the protection of the rights and interests of citizens. Here is a detailed analysis:

For companies and organizations, the AI Act requires those developing or using high-risk AI systems to comply with strict requirements for risk assessment, transparency and explainability, but also to ensure that they comply with the legal and ethical requirements set out by the regulation.

Companies must go through compliance assessment processes and, in certain cases, obtain compliance certifications for high-risk AI systems, and are required to ensure transparency and explainability of their AI systems so that users and beneficiaries can make informed decisions.

The AI Act requires companies to comply with strict rules regarding the protection of personal

[18] Regulation of the European Parliament and the Council established some RULES harmonize looking intelligence artificial and amending Regulations (CE) no. 300/2008 (EU) no. 167/2013 (EU) no. 168/2013 (EU) 2018/858 (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU (EU) 2016/797 and (EU) 2020/1828 (Regulation looking intelligence artificial), adopted in the bonus reading, available at: https://www.europarl.europa.eu/doceo/document/TA-9-2024-0138-FNL-COR01_EN.pdf (accessed at 20.04. 2024).

data and the individual rights of users. They must ensure data security and privacy and avoid discriminatory or unfair practices based on AI.

For citizens, the main objective seems to be the protection of rights and personal data against the incorrect or abusive use of AI systems. This gives citizens more confidence in the use of AI technology and ensures that their information and rights are protected.

The regulation requires transparency and explainability in the use of AI systems, which allows citizens to understand how decisions affecting them are made and to challenge those decisions if they believe they are incorrect or unfair.

Another line of work for the AI Act was to prohibit the use of discriminatory or unfair practices based on AI, aiming to protect citizens against discrimination or unfair treatment in various fields (employment, education or public services).

Overall, the AI Act aims to create a balanced and responsible framework for the development and use of artificial intelligence, ensuring the protection of citizens' fundamental rights and values while fostering AI innovation and competitiveness.

4. Implications for public administration

AI holds considerable potential to drive innovation and act as a significant driver of transformation. The integration of artificial intelligence in public administration will bring many advantages not only for the administration but also for citizens and businesses, which are its main beneficiaries.

Whether we are talking about the decision-making process that can be greatly improved or the improved delivery of services, in any type of approach, we note that it is essential to use data analysis based on the help of artificial intelligence[19], the public administration will be able to provide prompt answers to questions, we will be able to make more efficient service requests and will be able to provide superior experiences to citizens, thus increasing their satisfaction.

On the other hand, by being able to automate repetitive and time-consuming tasks, the authority will focus on more strategic responsibilities, which will lead to increased productivity, reduced operational costs, and minimal errors.

Equally, by facilitating real-time scenario simulations and analyses, public administrations will be able to assess the potential impact of policies before implementation.

With the help of AI, the administration will be able to promote inclusive public services by overcoming physical, cognitive, or linguistic barriers. Through voice and language processing, AI can translate content in real time, meeting the needs of the hearing impaired and non-native speakers.

4.1. Advantages of adopting the AI Act for public administration

The adoption of the AI Act brings numerous advantages for the public administration in Romania. First, by implementing AI technologies, administrative processes can be streamlined, allowing faster and more accurate management of data and information. On the other hand, the adoption of the AI Act helps to reduce human errors in decision-making, as AI systems can analyze and process a large amount of information in a short time and issue accurate and objective recommendations. The AI Act also increases transparency and accountability, as AI systems can automatically and impartially document decisions made, thus providing a solid basis for further evaluation and identification of potential errors or abuses.

4.1.1. Streamlining administrative processes

AI regulations offer the Romanian public administration the opportunity to significantly streamline administrative processes. By implementing advanced artificial intelligence technologies,

[19] P. Craig, H. Hofmann, J.-P. Schneider, J. Ziller (eds.), *ReNEUAL Model Rules on EU Administrative Procedure*, Oxford University Press, 2017. Available online and in different languages at http://www.reneual.eu (accessed at 20.04.2024).

a considerable number of activities can be automated, a large amount of data will be processed quickly and accurately, and documents will be managed efficiently. As a result, response times can be significantly reduced, which will allow the completion of the entire process in a shorter time, with a reduced involvement of human resources. This remarkable development means that public administration will be much more operative, with more time available to focus on high-value tasks, which leads to a considerable optimization of activities and, implicitly, a substantial increase in the performance of the services provided to citizens. This is a unique opportunity through which Romania can strengthen its position in terms of administrative excellence and innovation in the public domain, bringing significant benefits to both the public administration and its citizens[20].

With this remarkable digital transformation, Romania will be able to join the ranks of countries with efficient and innovative governance, thus benefiting from a strong international reputation. By adopting this law, Romania demonstrates its commitment to the modernization of public administration and ensures a promising and prosperous future for its citizens.

4.1.2. Reducing Human Error in Decision-making

Humans are generally susceptible to errors and subjective influences, as they cannot objectively analyze data and information. Artificial intelligence systems, however, can objectively analyze all this information, being free from subjectivity and prejudice. Therefore, the use of artificial intelligence algorithms will enable objective and unbiased decision-making, based on deep analysis and rigorous mathematical models[21].

This approach will lead to greater fairness and clarity in administrative decision-making, thereby eliminating human subjectivity and minimizing the risk of costly or unfair errors[22]. Also, by adopting the AI Act, Romania will demonstrate its commitment to innovation and technology, managing to keep up with global trends and be at the level of other developed countries[23].

By integrating artificial intelligence into decision-making processes, our country will become more efficient and competitive internationally. In addition, the use of AI systems will allow the recovery of time and resources, which can be allocated to other important aspects of public administration, such as the development of infrastructure or the improvement of public services.

4.1.3. Increasing transparency and accountability

The adoption of the AI Act in the Romanian public administration will bring with it a significant increase in transparency and responsibility in decision-making processes.

Advanced and high-performance AI systems will record all decisions and actions taken by the administration, thus providing a much higher level of transparency in how it reports and makes decisions. Also, these AI systems will have to be programmed not only to identify but also to properly document deviations from rules or improper practices, thus ensuring increased control and increased accountability in everything related to public administration activity.

The use of AI technology in this context not only contributes to building and strengthening a climate of trust between citizens and the administration but also represents a significant step for increasing organizational effectiveness and performance as a whole. By eliminating or reducing human error, as well as preventing and discouraging unethical practices, these AI systems bring major benefits to public administration.

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[20] A. Roja, M. Boc, Administrație publică digitală — propunere de model de transformare digitală a instituțiilor publice, *Revista Transilvană de Ştiinţe Administrative* no. 1/2021, p. 85.

[21] I. Pilving, Guidance-based Algorithms for Automated Decision-Making in Public Administration: the Estonian Perspective, in *CERIDAP*, 1, 2023, pp. 51–75, DOI: 10.13130/2723–9195/2023-1-105.

[22] J.-P. Schneider, F. Enderlein, Automated Decision-Making Systems in German Administrative Law, in *CERIDAP*, 1/2023, pp. 95–116, DOI: 10.13130/2723–9195/2023-1-102.

[23] Y. Yamada, *Judicial Decision-Making and Explainable AI (XAI) – Insights from the Japanese Judicial System* in Legal Studies Lublinensia, vol. 32, no 4/2023, pp. 157–173, http://dx.doi.org/10.17951/sil.2023.32.4.157-173, https://journals.umcs.pl/sil/article/view/16 163 (accessed at 20.04.2024).

The implementation of these efficient and reliable AI solutions in public administration will contribute to a modern governance system, based on clear and rigorous rules. Thus, transparency as a fundamental principle will be able to be put into practice, beyond its concrete regulation[24], and the decisions taken are objective and based on relevant data and information. Thus, citizens can trust state institutions and be sure that decisions affecting them are made fairly, transparently, and responsibly. Also, the implementation of the AI Act brings with it an improvement in public services, as it is possible to personalize and optimize them according to the individual needs and requirements of citizens. However, the adoption of the AI Act in public administration must be accompanied by adequate safeguards and guarantees for data protection and respect for the fundamental rights of citizens. A responsible and ethical approach is required in the use of these technologies, thus ensuring that their impact on society is positive and beneficial. Finally, the adoption of the AI Act in Romanian public administration represents an important and necessary step towards modern and efficient governance, which will strengthen citizens' trust in state institutions and ensure a public administration centered on the citizens and oriented towards objective and beneficial results for all.

4.2. The impact on the relationship between citizens and administration

Bypassing the AI Act, the relationship between citizens and administration can be greatly influenced and bring with it numerous benefits. A major impact of this adoption is increasing the accessibility of public services to an unprecedented level. The implementation of AI technology can make it easier for citizens to access a wide range of information and services in a fast, efficient, and intuitive way. Also, by using artificial intelligence algorithms, the public administration can personalize and adapt services according to the specific needs of citizens, thus improving the quality of interaction with them and offering them a completely satisfactory experience. Another great improvement brought by the introduction of AI in administration is the possibility of obtaining information in real time, which reduces time spent and increases responsiveness to the needs of citizens.

Through virtual channels, such as virtual assistance and state-of-the-art chatbots, citizens can receive fast and efficient assistance in solving problems or obtaining information from public authorities. These technologies, powered by artificial intelligence, offer a high degree of interactivity and provide accurate and personalized responses.

Not only will citizens be able to benefit from online assistance, but they will also be able to access virtualized services, whether we are talking about various simplified administrative procedures or applications for various acts and documents.

In conclusion, the implementation of the AI Act can significantly improve the relationship between citizens and the public administration in Romania, leading to the modernization and efficiency of public services. This will lead to greater transparency, accessibility, and a high level of satisfaction of citizens' needs.

The AI Act must be seen as a special opportunity through which Romania can distinguish itself and develop in a digital era, where artificial intelligence plays an increasingly important role in our lives. Through the effective and responsible implementation of this regulation, Romania can become an example in terms of the modernization and transformation of public administration for the benefit of all its citizens.

4.2.1. Increasing the accessibility of public services

The adoption of the AI Act in the Romanian public administration could have a significant impact on increasing the accessibility of public services. By using artificial intelligence, public administration will be able to improve existing processes and infrastructure, thus facilitating citizens' access to more efficient and faster public services. For example, by automating the processes of

[24] The principle of transparency is a general principle applied to public administration, regulated at the legal level, within the scope of Art. 8 of GEO 57/2019 regarding the Administrative Code, published in the Official Gazette. Number 555 of 07/05/2019.

registration and document management, citizens would no longer have to travel personally to administrative offices but could do these operations remotely, in a simple and fast way[25]. Also, the use of chatbots or virtual assistance in communicating with citizens could provide services available 24/7 and allow quick resolution of common problems or questions.

Through artificial intelligence, citizens will be able to benefit from an immediate answer to their questions, without the need to wait for a human operator. This will lead to saving time and administrative resources, allowing the public administration to focus on other important aspects of the services provided. It will be possible to improve the relationship between public administration and citizens, which will increase citizens' participation in the decision-making process. In public services, through the use of artificial intelligence, the public administration could collect and analyze data in real time, identifying trends and potential problems and taking proactive measures to solve them, which will mean better and more personalized public services adapted to the needs of citizens and offered efficiently, thus revolutionizing the way public services are offered and perceived by citizens.

4.2.2. Personalization and adaptation of services to citizens' needs

The personalization and adaptation of services to the needs of citizens are one of the main advantages of adopting the AI Act for public administration in Romania. By using artificial intelligence, public administration can analyze and process large amounts of data, collected in real time and from various sources, to better understand citizens' needs and preferences. This allows authorities to provide more efficient and personalized public services, precisely adapted to the needs of each citizen. For example, through AI, the administration can collect and process data on citizens' consumption habits to better understand their preferences regarding the public services provided. This valuable information can be used to develop and implement personalized solutions tailored to the individual needs of citizens. Thus, the administration can provide specialized and efficient public services that precisely respond to citizens' requirements and expectations, which will lead to increased citizen satisfaction and the creation of a relationship of trust and cooperation between citizens and the administration[26].

4.2.3. The ability to get information in real time

Through the use of artificial intelligence, public administration organizations can benefit from up-to-date and relevant data in a fast and efficient manner, thus allowing them to make informed, thorough, extremely fast, and well-founded decisions in reality on the ground. In addition, AI systems can automatically monitor and analyze data from a diverse set of sources, such as citizens' interactions with public administration, financial reports, and key demographic statistics. This will allow the public administration to obtain real-time information about citizens' problems and needs, traffic flows, pollution levels, economic development, and much more, thus providing the most complete and detailed perspective on the real situation.

This much-needed real-time information facilitates the quick and efficient identification of problems and, at the same time, the implementation of appropriate solutions to solve them, thus ensuring prompt and efficient management of emergencies and challenges facing public administration. Thus, it contributes significantly to the efficiency of the activities carried out by the public administration and, implicitly, ensures a significant increase in the quality of services offered to citizens, a fact that strengthens their trust and satisfaction.

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[25] O. M. Puigpelat, The Impact of AI Act on public authorities and on administrative procedures, in *CERIDAP*, no. 4/2023, pp. 238–253, DOI: 10.13130/2723–9195/2023-4-6; https://ceridap.eu/the-impact-of-the-ai-act-on-public-authorities-and-on-administrative-procedures/ ?lng=en (accessed at 20.04.2024).

[26] See in this regards C.-S. Săraru, *Drept administrativ. Probleme fundamentale ale dreptului public*, Ed. C.H. Beck, Bucharest, 2016, p. 577, 578; C.-S. Săraru, *Provocări contemporane în administrația publică și în dreptul administrativ*, in C. Brătianu, D. Banciu, N. Dănilă (coord.), *Economia și societatea în era digitalizării*, Publishing House of the Romanian Academy of Scientists, Bucharest, 2023, p. 255, 256.

5. Implementation constraints

5.1. Initial implementation costs and efforts

For the implementation of the AI Act in the Romanian public administration, significant investments in infrastructure, hardware, software, and training will be necessary. The initial costs will include the purchase of the necessary equipment for data processing and storage, the development and implementation of AI applications, as well as the training of personnel to work with this technology. Skilled human resources will also be needed to administer and maintain AI systems. These initial efforts will involve some difficulties, but the initial investments and efforts will be fundamental to have a modern, efficient, and citizen-oriented public administration that benefits from the advantages offered by artificial intelligence.

It is important that Romania makes a firm commitment to promoting the AI Act and allocates the necessary resources to achieve the proposed objectives. Thus, it will be possible to develop and implement innovative and efficient AI solutions, which will bring significant benefits in the field of public administration. AI technology will be able to serve as a tool for implementing and monitoring public policies, thus leading to more efficient and fair administration. Investments in AI will also be an important engine for the development of the digital economy and the stimulation of innovation in Romania.

5.2. The need for training and staff training

The success of the implementation process is not solely based on the skills of managing complex information and communication technology projects, but also on the ability to support the commitments made to citizens and the public administration as a whole[27].

The diversification of functions and responsibilities in public administration through artificial intelligence will impose an increased need for training and training of personnel in this field of activity.

Employees must acquire the necessary skills to work efficiently and effectively with artificial intelligence systems and to deeply understand how they work.

In this regard, adequate training is crucial to ensure proper use of AI technology and prevent errors and incorrect decisions. In turn, employees must be deeply familiar with the ethical and responsibility aspects associated with the use of artificial intelligence, as well as the importance of protecting personal data and its confidentiality. One of the solutions that should be implemented in this regard refers to the organization of training and professional development programs, which would allow staff to acquire the necessary skills to responsibly use artificial intelligence within the Romanian public administration. This initiative will significantly contribute to increasing the level of expertise and guaranteeing an effective and correct implementation of AI technology in the public sector.

Ensuring adequate training and expansion of staff skills is a vital priority in promoting and strengthening the use of AI technology in public administration systems in Romania. This is because organizational inflexibility is a problem that can affect the implementation of the use of AI. In the same sense, some local and central-level institutions may be resistant to change or may have rigid structures and processes, which will make it difficult to both adapt and implement new digital technologies and practices[28].

5.3. The risk of discrimination and injustice in decision-making

However, some special situations can also occur. The implementation of Artificial Intelligence can sometimes (admittedly much less often than in the case of human analysis) lead to the risk of

[27] C. Vrabie, *Elemente de e-guvernare*, Bucharest, Prouniversitaria Publishing House, 2016, p.53.
[28] I. Alexandru, *Tratat de administrație publică*, Universul Juridic Publishing House, Bucharest, 2008, p. 246.

discrimination and injustice in the decision-making process. Systems based on machine learning algorithms can be influenced by training data and perpetuate existing biases or discrimination in that data. Thus, the decisions made by these algorithms may be unfair or incorrect in certain situations, harming certain specific groups or categories of citizens. For example, if an algorithm assesses eligibility for certain social benefits, there is a possibility that it will automatically exclude certain marginalised groups due to discrepancies between the training data and the actual needs of these groups. Moreover, algorithms can perpetuate and amplify existing inequities or injustices in society by reflecting common biases or systematic discrimination in the training data.

To avoid these situations, the implementation of Artificial Intelligence must be accompanied by rigorous monitoring and evaluation of the performance of the algorithms, as well as appropriate corrective and adjustment measures to prevent and remedy the effects of discrimination and injustice in decision-making.

In this sense, transparency and accountability in the development and use of AI systems must be the main priority of the authorities and institutions involved. By seriously approaching these aspects, a fairer and more just public administration can be ensured, for the benefit of all citizens.

5.4. The legal and ethical implications of using AI in public administration

The legal and ethical implications of the use of Artificial Intelligence (AI) in public administration are extremely important in the context of the adoption of the AI Act in Romania.

One of the main aspects to be addressed is protecting personal data and its confidentiality. The use of artificial intelligence in public administration involves the collection, processing, and storage of a significant amount of personal data, which inevitably raises privacy and security concerns.

An important implication is liability for errors or damages caused by AI. This is because an incorrect decision or an error in the operation of the AI system can have serious consequences for citizens and the public administration as a whole.

It is therefore essential that the authorities establish clear and robust accountability mechanisms to manage such situations.

Over time, the importance of ethics and responsibility in automated decision-making is emerging. As AI becomes increasingly involved in decision-making in public administration, it is important to ensure that these decisions are made ethically and responsibly, taking into account society's values and goals. The legal and ethical implications of the use of AI in public administration must be properly analyzed comprehensively to ensure correct and beneficial implementation of the technology in the Romanian public sector.

Given the continuous evolution of technology and its impact on society, existing laws and regulations must be adapted to the new challenges and opportunities presented by AI. Clear and coherent legislation[29] to set the limits and rules for the use of AI in public administration will be vital. This should cover issues such as transparency of algorithms, data control and management, and liability in the event of damage caused by AI. An ethical and responsible approach to the development and implementation of AI should be promoted and supported by the authorities. In addition, AI education and training are essential to ensure proper use of the technology. Public administration employees must be trained and informed about the potential advantages and risks of AI, as well as how to use it correctly and ethically. Also, collaboration between different entities and the private sector is vital to developing effective and innovative solutions for public administration. By promoting transparency and involving citizens in the decision-making process regarding the use of AI, one can help increase trust and acceptance of the technology in society. In conclusion, the legal and ethical implications of using AI in public administration in Romania are complex and require an integrated approach. Personal data protection and confidentiality, liability for errors and damages, as

[29] We must specify that, at the Senate level, it was registered on 19.03.2024, a Legislative Proposal on Artificial Intelligence, B154/2024 with content far from responding to such complex challenges of the field, was registered, which otherwise received a negative opinion both from the Legislative Council and from the Economic and Social Council. See: https://www.senat.ro/legis/lista.aspx?nr_cls=b154 &an_cls= 2024 (accessed at 20.04.2024).

well as ethics and responsibility in automated decision-making, are key issues to consider. By adopting appropriate policies and regulations, as well as promoting education and collaboration in the field, responsible and beneficial use of AI in public administration can be ensured.

5.4.1. Protection of personal data and confidentiality

The adoption of the AI Act for the Romanian public administration would bring significant advantages in terms of personal data protection and privacy. This law could impose clear standards and rules regarding the collection, storage, and use of personal data in public administration activity. By implementing the AI Act, appropriate policies and security measures can be developed to protect the sensitive information of citizens. In addition, the law could provide a legal framework and specific tools to ensure the rights of data subjects, such as the right to information, the right to access, the right to erasure, and many other mechanisms.

Thus, the adoption of the AI Act could contribute to strengthening citizens' trust in public administration and by guaranteeing the respect of their fundamental rights in processes involving artificial intelligence. At the same time, the application of this law will bring tangible benefits in the public sector, by optimizing services and simplifying bureaucracy. It would also encourage and promote innovation and technological development in administration and facilitate European and international cooperation in the use of artificial intelligence in public services. Therefore, the passage of the AI Act is an important step towards a smart and responsible government that meets the needs of citizens and harnesses the advantages of modern technology.

5.4.2. Liability for errors or damages caused by AI

Liability for errors or damages caused by Artificial Intelligence (AI) is a sensitive topic. As AI is an emerging technology based on sophisticated algorithms and machine learning, it is becoming apparent, as I stated earlier, that there is a risk of it producing potentially dangerous errors that can cause significant harm to both citizens and public administration. In this sense, it is all the more necessary for the legislation to be rigorous and to hold accountable all actors involved, to establish a coherent, transparent, and fair legal framework to determine who is responsible in the event of such errors or damages. It is essential that the legal approach in the implementation procedure provides confidence and guarantees the protection of citizens and public administration against possible negative consequences of AI implementation. It will be absolutely necessary to have clear and effective mechanisms for the attribution of liability to ensure that affected individuals can obtain adequate redress if they are victims of errors or harm caused by AI.

Careful regulation and rigorous oversight of the implementation of AI in public administration could minimize risks and ensure a safe and reliable environment for the use of this technology. Thus, in addition to the clarity of the law, it is necessary to clearly establish the competence for the effective monitoring of their compliance.

That is why the implementing acts of the AI Act must be built in close collaboration with stakeholders, both experts in the field of AI and representatives of civil society and the business environment. Only by involving all stakeholders and developing a holistic and balanced approach, can we ensure that the implementation of AI in the Romanian public administration brings significant benefits and adequate protection for all citizens and entities involved.

5.4.3. Ethics and responsibility in automated decision-making

With all the advantages that artificial intelligence can bring, it is important to pay attention to the ethical aspects related to its use in the decision-making process, even if on the face of it, artificial intelligence and ethics seem irreconcilable[30]. Automated decisions must be transparent, fair and non-

[30] M. Duțu, *loc. cit.*

discriminatory, avoiding any form of bias or discrimination against certain groups of citizens. Careful monitoring of decisions and their impact is also necessary in order to avoid situations where they produce negative consequences.

Responsibility must be assumed by those who develop and implement artificial intelligence systems, as well as by the authorities that use such systems.

An ethical and responsible approach to automated decision-making is essential to gain the trust of citizens and ensure respect for their fundamental rights. The integration of ethics and responsibility in automated decision-making is a topic of vital importance in the context of the adoption of the AI Act in Romanian public administration.

Despite the obvious benefits that the use of artificial intelligence offers, it is necessary to emphasize the ethical implications related to its use in decision-making processes.

Automated decisions must be characterized by transparency, fairness, and non-discrimination, avoiding any form of prejudice or discrimination against certain groups of citizens. At the same time, a rigorous monitoring of decisions and their consequences is essential to avoid situations where they could generate negative effects. Both the developers and implementers of artificial intelligence systems, as well as the authorities that use them, must take responsibility for how these systems are used. An ethical and responsible approach to automated decision-making is key to gaining the trust of citizens and guaranteeing respect for their fundamental rights.

5.5. Examples of the use of AI in public administration in Romania

5.5.1. Automation of registration and document management processes

Next, we try to exemplify some situations in which the use of AI can successfully intervene in the Romanian administration.

A first example is the automation of document registration and management processes – a major advantage that the adoption of the AI Act can bring to the public administration in Romania. By using AI algorithms, documents can be scanned, classified, and archived much faster and more accurately than manual handling. It will also be possible to identify errors and inconsistencies in documents, thus contributing to the improvement of the quality of administrative services. In addition, electronic document management will also reduce the dependence on paper and a sustainable and environmentally friendly approach can be adopted.

5.5.2. Data analysis and monitoring systems for decision-making

In the context of the adoption of the AI Act for the Romanian public administration, one of the major advantages is the use of data analysis and monitoring systems for decision-making. Thus, by implementing these complex and advanced systems, public administration can benefit from an impressive set of powerful data analysis tools that facilitate the identification and deep understanding of relevant patterns and trends in a diverse variety of data. These systems, with the help of state-of-the-art artificial intelligence algorithms, have the impressive ability to accurately and efficiently extract and process valuable information from a huge volume of data, helping the organization and public administration to obtain timely forecasts and adjusted recommendations in a precise way for each individual situation. Therefore, this undeniably leads to a much more efficient, effective, and informed management of all administrative processes, thus providing the opportunity to intervene on time, optimize resources, and maximise the overall performance of the entire public administration. In addition, the implementation and use of such advanced data analysis and monitoring systems bring with them significant benefits in terms of reducing subjectivity in the decision-making process and increase the quality of administrative decisions, as these vital decisions are made based on 100% data and information objectives, updated and verified with the greatest care and rigor. Thus, through these modern and innovative systems, the establishment of an intelligent and efficient public administration becomes a real and concrete possibility, with a positive impact in all sectors and levels of activity.

5.5.3. Virtual assistance and chatbots for communication with citizens

Virtual assistance and chatbots represent an effective solution in communication between public administration and citizens. These technologies enable the automation of the process of responding to citizens' questions and requests, providing a high level of availability and fast response time. With the help of virtual assistance and chatbots, citizens can get real-time information and solutions to various administrative problems or frequently asked questions. These tools can be integrated into websites, communication platforms or mobile applications, offering an easy and accessible experience to citizens. Through virtual assistance and chatbots, public administration can streamline communication, freeing up human resources for more complex tasks and helping to increase citizens' satisfaction with the administration.

6. Conclusions

By adopting the regulation on AI, the first law in the world in the field, the European Union reaffirmed its leadership in the legal regulation of major problems with major implications for human society[31].

We will have all our documents in a single wallet[32], we will be able to receive notifications 30 days before the expiration of these documents, we will be able, based on a simple click, to determine the date and time when we go to sign, take a photo for license, bulletin or passport, and in this formula we will have – and this is the most important thing – directly deliverable to each of the Romanians who want to integrate into this platform 24 hours/day, 7 days/week.

We will not depend on the schedule of a counter, we will not depend on the mood of an official at a certain counter, but we will have an interaction as simple as possible with everything that means the Romanian state.

Millions of Romanian citizens abroad who still want to keep in touch with the country will be able to benefit much more easily from the public services offered by the state: paying taxes and fees for the properties they own, renewing documents, etc.

We are definitely in the midst of a change in society when a new component emerges and takes off – the digital society, which gives rise to a series of major changes in the lives of each of us, at the level of citizens, community, state or union of states. A new generation of rights is emerging, imposing itself[33] – digital rights for which we are looking for definitions, and origins and trying to regulate them, arriving, almost naturally, at revolutionizing and recontextualizing rights and fundamental principles.

In a state of law, the issue of artificial intelligence certainly has significant legal implications aimed at current positive law, as if surprised by the speed and stakes of new technologies. Such developments determine a resizing of the entire legal system and, implicitly, a development of positive law[34]. Because the purpose of the creator (man) of artificial intelligence is to bring it advantages and not to turn against it. And for this, in a state of law, the main tool is the Law.

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[31] M. Duțu, *Inteligența artificială, spre o reglementare de drept internațional*, https://www.juridice.ro/essentials/7633/inteligenta-artificiala -ia-spre-o-reglementare-de-drept-international, (accessed at 20.04.2024).

[32] Wallet European for identity digital – cf.pt. Forty-two of AI Law: 'a product and a service that enables USERS to store identity data, credentials and attributes related to identity too, to provide them beneficiaries upon request and to use them in the goal authentication, online and offline, for service in the under article 6a and to CREATE signatures and seals.

[33] A. Stănciulescu Alexe, *op.cit,*

[34] O. Predescu, O.R. Predescu, *Inteligența artificială astăzi. O perspectivă a dreptului, a drepturilor omului, an eticii și nu numai*, Universul Juridic Publishing house, Bucharest, 2024, p. 25.

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