

Paper: Political and systemic push for pre-accept of digital and AI solutions

Michael Gøtze
University of Copenhagen
Michael.gotze@jur.ku.dk



Danish experience

Legislative basis for public administration

A simple ("square") regulatory landscape

"Ready to go"-discourse. Reform. Party speech-tone.





And the (highly surprising)
winner is:

DENMARK !!!
1992 EuroCup
Small is beautiful



The mindset: Denmark aspiring
to be Digital Champion ?



Top 1-3 in rankings on
digital administration
Digitally ready authorities
Digitally ready citizens

+ Digitally ready legislation

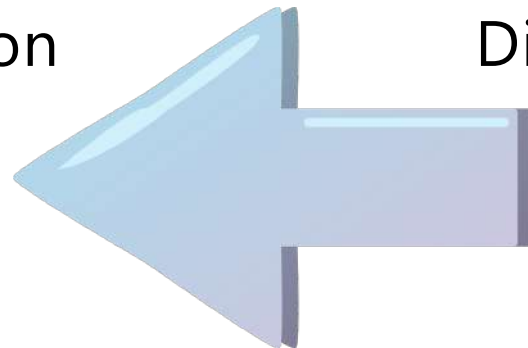


The democratic chain

Legislative powers ← executive powers

- Legal basis is the cornerstone of public administration
- Normal focus: administration (+ administrative law)
- New focus: proactive approach to subsequent digital solutions calls for digitally ready legislative landscape (falls outside legal disciplines?)

Digital legislation



Digital administration

2018 - Political agreement

- 2018 - just turned 5
- Extremely broad scope
- New legislation/revision of legislation
- Legislation in the broad sense
- A highly technical approach

Section 3 in the paper



A few reflections on the Political agreement

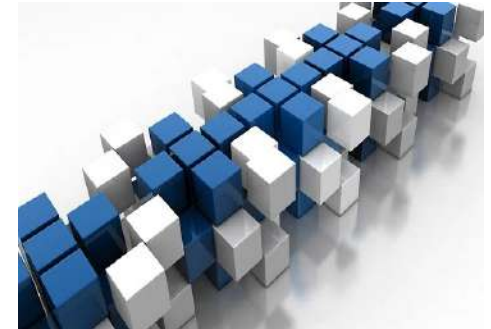
- No public (or political) discussion
- No review mechanisms
- Vague on the digital horizons (comprising AI-solutions?)
- A resourceful new Agency (explicitly efficiency oriented)
- Soft law (guidelines, Agency advice etc.)



The digitally ready New Procedure

- A new step halfway
- An initial **clarity test** (the "digital exam") but no tracking of alternative regulatory options

Section 4 of the paper



Guidelines with a list of 7 law quality markers

Item 3: "The legislation must support that the administration of the legislation can be done in whole or in part digitally with due regard to legal security of citizens and businesses. This means among other things, that the legislation is basically designed so that the objective criteria are used when it is considered relevant and when there is no need for a discretionary professional judgment"



Conclusions

- a) "We are the champions" or
- b) We need to avoid the pitfalls/slalom flags



Dilemmas

- Exit Discretion? Loss of flexibility+dynamics
- Legislation is more difficult to change (than adm/local practices)
- "Squarezation" – the gap - simple legal geometry vs complex reality
- No tracking mechanism – invisibility problem
- Specific challenges as to welfare areas?
- The democratic chain under pressure?



Thank you for listening

