

Artificial
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Emerging
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HEMISPHERES

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Artificial Intelligence

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Group



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Author(s)/Editor(s):

Carolina Aguerre, Universidad Católica del Uruguay

João Victor Archegas, ITS Rio

Wanderley Augusto Arias-Ortiz, Universidad Jorge Tadeo Lozano

Favio Ernesto Cala, Universidad Jorge Tadeo Lozano

Ana María Castillo, Universitat Intern. de Catalunya

Isadora García Avis, Universitat Intern. de Catalunya

Jean García Periche, Universidad Autónoma de Santo Domingo

Christian Fieseler, BI Norwegian Business School

Catalina Goanta, Universiteit Utrecht

Joan Hernández, Universitat Intern. de Catalunya

Mónica Humeres, Universidad de Chile

Maria Pilar Llorens, Universidad de San Andrés

María Fernanda Martínez, Universidad de San Andrés

María Isabel Mejía Jaramillo, Universidad del Norte

Celina Mendes de Almeida Bottino, ITS Rio

Pedro Sigaud Sellos, Universitat Intern. de Catalunya

Yamilet Serrano, Universidad de Ingeniería y Tecnología

María Angélica Fera, Universidad Jorge Tadeo Lozano

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ABSTRACT

This exploratory policy paper examines the governance of artificial intelligence (AI) across the European Union (EU) and Latin America and the Caribbean (LAC), emphasizing regulatory asymmetries, institutional readiness, and labor-market impacts. While the EU advances a risk-based approach through instruments like the AI Act and complementary reskilling policies, LAC faces structural challenges such as digital divides, informality, and limited institutional capacity. The analysis highlights the growing prevalence of AI-driven gig and data work, raising questions of algorithmic management, labor rights, and social protection.

Beyond this comparative assessment, the paper also seeks to address key thematic areas that are central to bi-regional cooperation: Data and AI Infrastructure-Sustainability & Governance; strategic areas for regulatory learning such as institutional capabilities, AI Safety Institutes, and the risk-based approach to AI regulation; as well as sector-specific domains including AI regulation in creative industries and AI and the future of work.

Positioning HEMISPHERES as a platform for structured dialogue, the paper proposes context-sensitive strategies for shared learning, institutional capacity building, and inclusive AI governance that aligns innovation with democratic values and labor protections.

This exploratory paper is a product of HEMISPHERES, an international collaboration exploring technology, policy, and regulation across the EU and LAC. It represents the culmination of a joint effort by a Working Group of academics from both regions, reflecting the rich diversity of their experiences and opinions. While individual contributors express their views in a personal capacity and may not agree with every statement, they are united by a shared commitment to fostering mutual learning between these distinct regulatory landscapes.

1. INTRODUCTION

Artificial Intelligence (AI), a cornerstone technology of the Fourth Industrial Revolution (4IR), has undergone exponential development in recent years, and has become a constant presence in our daily lives. This rapid growth is primarily fueled by vast increases in data capture and processing capabilities. Consequently, AI presents a complex duality: significant benefits for users and developers coexist with substantial risks. This dynamic poses a critical challenge for policymakers, who must now develop robust regulatory frameworks to mitigate risks and protect fundamental user rights while still fostering innovation.

The Artificial Intelligence Working Group, established under HEMISPHERES, aims to examine this need for regulatory learning. More specifically, the focus of this policy brief will be placed on how the EU and LAC are currently approaching AI governance, given their differing sociopolitical contexts, economic priorities, and institutional capacities.

A fundamental framework for analyzing public policy is the policy cycle, which consists of three principal stages: Design, Implementation, and Evaluation. While the specific terminology and number of stages can differ among scholars, this three-part model provides a robust structure for analysis. The scope of this policy brief is intentionally focused on the design phase. It examines regulatory frameworks and key documents issued by both sovereign nations and international bodies. The subsequent stages of implementation and evaluation will be the subject of future analyses.

The pervasive integration of AI technologies is set to revolutionize entire sectors, altering everything from specific job functions to the very structure of industries. The discourse on AI frequently centers on its dual impact within creative fields, its potential to augment the general workforce, and its capacity to modernize public infrastructure. This transformative power necessitates a forward-looking policy response. Accordingly, this analysis will examine the essential pillars of such a response: establishing clear governance and sustainability frameworks, building the required capacity and infrastructure for AI deployment, and outlining key challenges to formulate strategic recommendations.

1.1. Defining Key Concepts

To ensure a precise and shared understanding of the critical concepts underpinning our analysis, this section defines key terminology foundational to the discourse on Artificial Intelligence. These definitions clarify the specific scope and context in which these terms are employed throughout this text, thereby strengthening the analytical rigor and facilitating a more comprehensive engagement with our arguments.

For the purposes of this paper, we define **AI system** as "a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments" (EU Artificial Intelligence Act, 2024).

Generative Artificial Intelligence (AI) systems are defined as systems that "can create new content - including text, image, audio, and video - based on their training data and in response to prompts" (Lorenz, Perset & Berryhill, 2023).

By **risk**, we mean "the combination of the probability of an occurrence of harm and the severity of that harm" (International Organization for Standardization [ISO] 14971:2019). Furthermore, "AI risks can emerge in a variety of ways and can be characterized as long- or short-term, higher low-probability, systemic or localized, and high- or low-impact" (National Institute of Standards and Technology, 2023).

We understand **Digital Public Infrastructure** to be "the set of shared digital systems that should be secure and interoperable, and can be built on open standards and specifications to deliver and provide equitable access to public and/or private services at societal scale and are governed by applicable legal frameworks and enabling rules to drive development, inclusion, innovation, trust, and competition and respect human rights and fundamental freedoms" (United Nations Development Programme, 2023).

1.2. Main Objectives

In more precise terms, the three main goals of this policy brief are as follows:

- Map out existing policies and regulatory approaches in EU and LAC;
- Identify some strategic areas for regulatory collaboration in both regions;
- Propose recommendations and opportunities to foster regulatory learning.

1.3. Structure

In order to fulfil these goals, the policy brief is organised in three main sections:

- Section 2 provides a general overview of data and AI infrastructure in EU and LAC, particularly in relation to governance and sustainability.
- Section 3 examines three main strategic areas for regulatory learning: 3.1. AI safety institutes; 3.2. AI in the creative industries; and 3.3. AI and the future of work. At the end of each subsection, key opportunities for policy learning have been identified.
- Section 4 offers strategic recommendations and outlines the next steps for the AI Working Group.

2. DATA AND AI INFRASTRUCTURE: SUSTAINABILITY & GOVERNANCE

2.1. Regulatory Trends

It is impossible to think about AI development without considering data. Data is a critical asset for AI development. For example, it forms the basis of machine learning algorithms. These algorithms rely on large amounts of datasets in order to be able to recognize patterns, make predictions and improve their performance (Aldoseri et al, 2023). As a result, data governance frameworks are deeply intertwined with AI development and governance.

This interweaving presents unique challenges and opportunities. Among the challenges, a key one is that data governance frameworks were developed without fully considering how AI generates and uses data. As a result, existing frameworks may be insufficient for effectively governing how AI models utilize data throughout the AI lifecycle, which can lead to unintended consequences. For example, biased outcomes due to a lack of diversity in the training datasets (Wilson et al, 2024; Brown, 2021). Another challenge is that data governance frameworks remain highly fragmented. Regulation varies across regions, with the EU having a comprehensive data governance framework, while approaches in LAC continue to be primarily national in scope. This fragmentation creates regulatory compliance challenges for AI development, as existing regulations may overlap or even contradict one another. Although AI governance and data governance are closely related, they are usually developed independently, creating silos. These silos add a layer of complexity to an already complex issue, potentially leading to misunderstandings and difficulties in regulatory compliance and enforcement (OECD, 2024). This not only prevents the emergence of innovative AI services and reduces their quality but also hinders overall AI innovation. Beyond inefficiency, this situation can lead to poor decision-making, as poor and limited AI services lead to low-quality outcomes. (Gasser & Mayer-Schönberger, 2024).

Acknowledging these challenges is the first step toward identifying opportunities for cooperation. Another central issue is that, as things currently stand, those who have the capacity and ability to shape their developments (and improve their services) are the big companies, which dominate the digital service, at least in the West. These inequities translate into ‘similarly equally skewed economies’ (Mayer-Schönberger and Gasser, 2024)

One thing that stands out is that AI technologies require adaptive governance structures (Bhourri, 2024). These structures must address the challenges posed by data governance throughout the AI lifecycle. As such, cooperation between the privacy/data governance community and the AI community is not only necessary but also presents an opportunity for mutual learning (OECD, 2024).

The next frontier of digital public infrastructure must move beyond static data platforms and transactional systems toward integrating artificial intelligence (AI) as a foundational public good. Traditional DPI - such as digital identity systems, payment rails, and data exchanges - have expanded government capacity to deliver services efficiently. However, they largely remain reactive and static. AI introduces the possibility of creating dynamic, learning-based infrastructures that do not simply support service delivery, but actively anticipate societal needs, optimize resource allocation, and foster continuous public sector innovation. Embedding AI directly into DPI architectures transforms infrastructure from a passive enabler of services into an active agent of governance, making the state more responsive, adaptive, and accessible to its citizens.

Treating AI as digital public infrastructure reframes it not as a private commodity to be licensed and sold by monopolistic firms, but as a permanent public good akin to roads, energy grids, and public broadcasting. Public AI systems can be designed to operate transparently, maintain public ownership of critical data flows, and ensure inclusive access to advanced computational capabilities across all sectors of society. In contrast to proprietary AI models optimized for shareholder value, Public AI prioritizes democratic governance, participatory oversight, and the safeguarding of human rights. Integrating AI structurally into public systems is essential for maintaining societal sovereignty over technological infrastructures that will soon mediate everything from education and healthcare to employment and civic participation.

If left to private interests alone, the evolution of AI infrastructure risks replicating and deepening global inequalities, especially across the Global South. Emerging economies, in particular, face a historic opportunity to leapfrog traditional bureaucratic models by embedding AI within their core public infrastructures from the outset. By investing in AI-driven DPI now - including citizen-centered agentic workflows, regional data commons, and open innovation ecosystems - governments can build resilient foundations capable of navigating future technological disruptions, including those posed by increasingly autonomous or general-purpose AI systems.

2.2. Comparative Perspective

LAC stands at a crucial point in its pursuit of AI development, grappling with challenges in data governance and infrastructure while striving for sustainable energy practices. The region's approach to AI is marked by both promising initiatives and significant gaps that could influence its global competitiveness and environmental impact.

A major challenge confronting LAC is the insufficient development of robust AI infrastructure and the absence of cohesive data governance strategies. Many AI models deployed across the region depend heavily on foreign cloud services, resulting in high operational costs, latency problems, and serious concerns over data sovereignty.

The Latin American Artificial Intelligence Index (ILIA, 2024), jointly developed by ECLAC and CENIA, evaluates countries' AI readiness across three key dimensions: Enabling Factors, Research, Development and Adoption, and Governance. While the report recognizes notable advances by the region's leading countries, it also underscores persistent challenges, particularly in retaining AI talent and establishing strong governance frameworks to sustain innovation. Chile, which tops the ranking with 73.07 points out of 100, is followed by Brazil (69.30) and Uruguay (64.98), each of which has implemented comprehensive national strategies to integrate AI across multiple sectors. Nevertheless, many countries remain significantly behind, widening the regional gap. The index offers critical insights for policymakers, providing a data-driven foundation to design strategies that bridge disparities, foster innovation, and drive sustainable economic growth.

In addition to these AI policy frameworks, LAC countries have increasingly turned to data protection legislation to address ethical and governance gaps surrounding AI development. In this context, Brazil's LGPD (Lei Geral de Proteção de Dados), modeled after the EU's GDPR, marked a turning point by establishing enforceable rights for data subjects and a dedicated National Authority (Brazilian National Data Protection Authority). Following a similar path, Chile's Law 21.719-set to come into force in 2026- lays out a new regulatory framework for data governance. It incorporates digital rights into national legislation, establishes rules for data processing by both public and private entities, and provides for the creation of an independent supervisory body. Despite contextual differences, both countries base their frameworks on principles of lawfulness, transparency, proportionality, and purpose limitation. These elements are integrated into legal provisions and institutional arrangements relevant to data governance and AI regulation. However, their implementation and impact differ, depending on factors such as institutional capacity, enforcement mechanisms, and sectoral compliance.

Other countries in the region have incorporated similar principles through diverse legal instruments and institutional models. Argentina (Ley 25.326, 2000) and Colombia (Ley 1581, 2012) maintain earlier legal frameworks, which are currently subject to review processes or reform initiatives. Uruguay's Law 18331 (2008), has maintained EU adequacy status by applying a regulatory model that includes registration requirements, designated data officers, and reporting obligations. Mexico, for its part, has introduced a new data protection law that centralizes oversight within the executive branch, replacing a model previously led by an autonomous authority (Ley Federal de Protección de Datos Personales en Posesión de los Particulares).

Energy consumption is another pressing concern, as AI development and data centers demand significant power resources. Brazil's abundant renewable energy-over 80% of its electricity comes from clean sources-positions it favorably to support sustainable AI growth. However, the rapid expansion of data centers raises concerns about energy equity, particularly in regions already experiencing energy poverty.

At the same time, LAC holds a unique global position as both a biodiversity powerhouse and a supplier of critical minerals essential for AI infrastructure. The

region is home to nearly 60% of global terrestrial life and diverse freshwater and marine ecosystems, while also producing around 40% of the world's copper (led by Chile, Mexico, and Peru) and 35% of global lithium (with Argentina, Chile, and Bolivia as major players). More than half of global lithium reserves are found in LAC, with untapped potential in Bolivia. Alongside copper and lithium, other strategic resources such as nickel, graphite, and rare earth elements-particularly in Brazil-could further expand opportunities in the global AI supply chain (UNEP, 2024a; Bernal et al., 2023).

These advantages, combined with favorable climate conditions and strong renewable energy potential, position LAC as a possible hub for sustainable data center development. As Cohen (2024) emphasizes, “data centers are the factories of AI, turning energy and data into intelligence.” While global competitors such as the Gulf states, Canada, and the Nordics are already scaling infrastructure, LAC is beginning to emerge: Brazil and Mexico currently lead with more than 160 data centers each, while projects are expanding into Argentina, Chile, Peru, and Uruguay (Statista, 2024).

Nevertheless, evidence indicates that this expansion is not yet on a sustainable path. Data centers often demand large volumes of water for cooling, creating risks in drought-prone regions like Chile, Mexico, and Uruguay, while transparency around environmental impacts remains limited. Chile's Plan Nacional de Datacenters 2024–2030 offers a potential regional model by coupling investment incentives with environmental accountability and workforce training, aiming to mobilize US\$4 billion and triple the industry's size by 2030 (McGovern & Branford, 2024). Without safeguards, however, unsustainable mining, deforestation, and ecological pressures risk undermining both biodiversity and social equity. Thus, while AI offers tools for economic advancement, its integration must be aligned with ecological stewardship and social justice, ensuring that growth in digital infrastructure does not come at the expense of long-term sustainability (Cohen, 2024; UNEP, 2024a).

2.3. Challenges & Open Questions

The growing demand for large-scale AI models intensifies consumption of energy, water, and critical minerals, amplifying pressures on already fragile ecosystems and energy grids. InLAC, this challenge is particularly acute: the region is rich in

renewable energy and critical resources such as copper and lithium, yet their availability is geographically uneven and often comes at high environmental and social costs. The rapid expansion of data centers risks deepening inequalities, especially in communities already facing energy poverty or water scarcity. The key question, therefore, is how countries can foster AI innovation while embedding safeguards that ensure data centers and AI-driven technologies operate within environmentally responsible and socially equitable frameworks. Defining this balance between digital growth, ecological protection, and resource justice remains one of the most pressing governance gaps for the region.

Parallel to environmental concerns, ethical challenges surrounding data collection, usage, and sovereignty continue to spark intense debate. AI development relies heavily on vast amounts of data, raising questions about who owns the data, controls it, and uses it, as well as whether individuals and communities retain meaningful rights over their data once AI models have processed it. In LAC, where regulations are still evolving, many countries face the risk of deepening dependency on foreign platforms that may not align with local values or privacy standards. Critical open questions include: how can nations safeguard their digital sovereignty while participating in a global AI economy? What mechanisms are necessary to ensure that data is collected transparently, used, and governed responsibly? Addressing these concerns requires a multi-stakeholder approach that combines regulatory frameworks, technological safeguards, and societal dialogue to ensure that AI development advances ethically and inclusively.

2.4. Opportunity for Policy Learning

HEMISPHERES can serve as a platform for practical regulatory cooperation by bridging the often-siloed domains of AI and data governance across Europe and LAC. As data is the foundational asset for AI systems, yet regulatory frameworks frequently remain fragmented and misaligned with the realities of AI development, HEMISPHERES can initiate a comparative institutional mapping to identify gaps, overlaps, and opportunities for integrated oversight. This is particularly relevant as both regions explore ways to embed AI within digital public infrastructure (DPI), transforming it from a commercial tool into a public good governed transparently and inclusively. While Europe offers advanced regulatory models like the GDPR and AI Act, LAC brings valuable lessons from public-sector innovation, digital rights legislation, and strategies to address structural inequalities. Through

bi-directional learning, HEMISPHERES can promote context-sensitive governance models that align data protection, labor rights, and sustainability with the democratization of AI capabilities.

3. STRATEGIC AREAS FOR REGULATORY LEARNINGS

3.1. Institutional Capabilities, AI Safety Institutes, and Risk-Based Approach to AI Regulation

3.1.1 Regulatory Trends

A key strategic area for regulatory learning between LAC and the EU is the discussion around the institutional capabilities needed for effective AI governance. Both regions are grappling with the question of whether new institutions are needed to oversee the implementation of AI regulation or if existing institutions are able to expand their capabilities. For example, in Brazil there is an ongoing discussion where the national data protection authority—the ANPD (Autoridade Nacional de Proteção de Dados)—is being considered not only for AI oversight, but also potentially for platform regulation as well. That raises important questions: When does it make sense to assign new responsibilities to an existing body? And when do we need entirely new institutions? In order to propose more effective regulatory frameworks, first we need to tackle difficult challenges raised by institutional design.

Although there is no one-size-fits-all approach to institutional design, especially considering the significant differences between EU and LAC, one thing we should avoid is letting these decisions be shaped only by what's most convenient for those being regulated. Large technology companies often prefer a small number of centralized institutions, because it reduces the costs associated with compliance requirements. But that logic may not serve the broader public interest—especially when different domains, like data protection, AI safety, and competition require distinct kinds of expertise and forms of public accountability. Both regions should build channels for meaningful collaboration around institutional design for AI governance.

In this regard, the emergence of AI Safety Institutes (AISIs) represents a major regulatory innovation in the governance of AI that offers some insights on the

challenges highlighted so far. This first wave of institutions, launched between the UK AI Summit (2023) and the Paris AI Action Summit (2025), was driven largely by governmental efforts to understand better and mitigate the risks associated with advanced AI systems. While initially focused on existential and systemic risks, AISIs have evolved to serve broader functions: providing technical assessments, promoting international cooperation, and shaping standards that influence both public policy and private sector practices. These institutes operate primarily as advisory bodies without direct regulatory power, distinguishing their role from traditional regulatory agencies and emphasizing their focus on research, coordination, and disseminating best practices.

A key turning point in the global regulatory narrative occurred during the AI Action Summit in Paris. Compared to the earlier summits in Bletchley Park and Seoul, which emphasized risk mitigation, the Paris Summit reflected a broader, opportunity-oriented agenda. Countries, particularly France, began framing AI governance as not just a matter of safety, but also as a lever for economic competitiveness, sustainability, and geopolitical influence. French leadership, for example, highlighted the strategic importance of national AI infrastructure, such as energy-intensive data centers powered by clean energy sources. This shift marks the beginning of a more nuanced regulatory discourse that connects AI governance with national development priorities, not just risk prevention.

Building on these shifts, experts have begun to discuss the contours of a potential second wave of AI Safety Institutes. This new phase is expected to go beyond the narrow "safety-first" framing of the initial institutes, expanding their mandates to balance safety, opportunity, and innovation. Second-wave institutes are likely to retain the core functions of technical assessments and international cooperation but will also integrate broader societal objectives, such as promoting responsible AI innovation, supporting sustainable technological development, and enabling wider economic participation in the AI economy. This transition highlights an important lesson: future governance institutions must be designed to be both resilient against emerging risks and capable of enabling strategic national advantages in a fast-evolving technological landscape.

3.1.2 Comparative Perspective

The European Union has established a distinctive approach to AI governance through the creation of the EU AI Office, a body that integrates technical expertise

with regulatory support. Unlike the first generation of AI Safety Institutes (AISIs) that emerged in the UK and US with a primarily advisory role, the EU AI Office combines the evaluation of general-purpose AI models with the coordination of compliance mechanisms under the AI Act. It is tasked with conducting safety assessments, setting technical benchmarks, and facilitating enforcement actions across member states. This model-merging technical excellence with regulatory influence-provides an important reference point for other regions, demonstrating how institutional design can address both the opportunities and risks associated with advanced AI systems.

Complementing the work of the EU AI Office, the European Centre for Algorithmic Transparency (ECAT) operates as an independent technical center under the Digital Services Act (DSA). ECAT conducts algorithmic audits, transparency inspections, and risk assessments, particularly for large online platforms. Its interdisciplinary structure, combining data science, law, ethics, and public policy expertise, exemplifies how scientific advisory bodies can directly support regulatory ecosystems without holding formal regulatory power. ECAT's operational model, focused on providing actionable scientific evidence to policymakers, offers a pathway for countries seeking to enhance the technical depth and credibility of AI governance frameworks.

For LAC, the EU experience offers several lessons. First, it highlights the value of establishing scientifically grounded institutions that are capable of producing independent assessments, informing policy choices, and supporting broader regulatory objectives. Second, it suggests that proximity to regulatory processes-even without direct regulatory authority-can significantly enhance the impact of technical institutes on governance outcomes. Finally, the European experience demonstrates the importance of multistakeholder engagement and international coordination, both of which help ensure that national efforts align with emerging global standards while remaining responsive to local needs.

Participation in international networks, such as the emerging International Network of AI Safety Institutes, also stands out as a critical strategy. For LAC countries aiming to strengthen their position in global AI governance debates, building institutions that are both technically credible and internationally connected will be key. Europe's experience underlines that success in AI governance is not only about managing risks, but also about cultivating the

scientific and institutional infrastructure needed to engage in setting the future rules of the game. Nonetheless, when it comes to LAC, due to its more fragmented regulatory landscape, a more in-depth mapping of existing institutional capabilities is needed before one can jump to conclusions about what are potential institutional design choices that will work for AI governance in the long run. This will allow for a bi-directional learning environment, where the European Union can also incorporate best practices identified in LAC in its current regulatory landscape.

3.1.3 Challenges & Open Questions

While the emergence of AI Safety Institutes (AISIs) marks a promising development in the global governance of AI, the first wave of such institutions has already revealed a number of institutional, conceptual, and political challenges. One of the most significant is the over-narrow focus on existential risks, often at the expense of broader societal concerns such as fairness, labor rights, and regional inequalities. This framing-popularized by early summits like Bletchley Park-has sometimes displaced discussions around the everyday harms and opportunities of AI, including those most relevant to the Global South. There is an increasing need to broaden the definition of “AI safety” to incorporate not just risk mitigation, but also the promotion of positive social outcomes—for instance, the potential of AI to strengthen healthcare delivery, expand access to education, and support climate change mitigation efforts.

Another critical challenge lies in the potential overlap between AISIs and existing national institutions, particularly those responsible for standardization, consumer protection, or innovation policy. Without clear coordination, the creation of new institutes risks redundancy or institutional fragmentation, which is especially problematic in regions where governance structures are still consolidating. In other words, there is a need for mapping institutional capabilities in both regions also from the perspective of individual sectors (financial, health, educational, etc.). Furthermore, the boundary between advisory and regulatory roles can become blurred, raising concerns about mandate clarity and institutional accountability. For LAC countries, the challenge will be to design complementary structures that reinforce—and do not compete with—the work of other regulatory and scientific bodies. One possibility is the emergence of “systems of governance” instead of specific oversight institutions—one example is Brazil, where the current discussion

on AI regulation (Projeto de Lei 2.338/23) includes the creation of SIA (Sistema Nacional de Governança e Regulação), a multistakeholder system composed of representatives from existing institutions (from Internet governance to consumer protection).

The relationship between AI governance institutions and/or systems and the private sector also demands careful management. On the one hand, effective engagement with industry is necessary to access models, data, and technical resources crucial for safety evaluations. On the other hand, there are risks of regulatory capture and the erosion of public trust if private sector influence is not balanced by strong safeguards and independent oversight. For LAC countries, building credible, expert-led institutions that can navigate these tensions will be key to ensuring that AI governance advances both public interest and sustainable innovation.

Finally, a major open question concerns the global representativeness of AI safety agendas. To date, most institutional initiatives have been driven by a small group of countries in the Global North, potentially sidelining the interests and realities of other regions. For LAC, this presents both a challenge and an opportunity: the challenge is to avoid becoming passive recipients of externally set norms; the opportunity lies in actively shaping governance models that align with regional priorities, leveraging AI's transformative potential to tackle longstanding challenges in healthcare, education, climate resilience, and sustainable development. Ensuring that future AI governance structures reflect a pluralistic and multipolar vision will be essential for an inclusive and equitable AI future.

3.1.4 Opportunity for Policy Learning

HEMISPHERES can serve as a platform for practical regulatory cooperation by initiating a structured process to map institutional capabilities for AI governance across EU and LAC. This effort should focus on identifying which institutions already exist in each country, what mandates they hold, and where gaps or overlaps in authority may hinder effective oversight. As a concrete next step, members of the project can collaboratively produce a comparative institutional landscape report, highlighting case studies like the EU AI Office and Brazil's evolving discussion around the ANPD and the proposed SIA system. Such a mapping exercise would help clarify when it is appropriate to assign new

responsibilities to existing agencies versus when new institutions-or even governance systems-are warranted. By doing so, HEMISPHERES can foster a bi-directional learning environment: LAC countries can draw lessons from European regulatory models, while EU counterparts can benefit from innovative multistakeholder approaches emerging in LAC.

3.2. AI Regulation in Creative Industries

3.2.1 Regulatory Trends

The intersection between AI regulation and the creative industries is evolving rapidly, driven by the disruptive capabilities of generative AI technologies. In the European Union, regulatory attention has focused on establishing a comprehensive framework to govern these technologies. The recently adopted AI Act sets out obligations for general-purpose AI models, many of which underpin creative applications, such as text, image, and music generation. While the Act does not legislate copyright per se, it imposes transparency requirements-including disclosure of training data usage-that may influence how AI companies engage with copyrighted materials. The EU's Copyright Directive (DSM) further adds complexity by delineating rules for text and data mining (TDM), with exceptions for non-commercial and commercial uses. These developments signal a regulatory trajectory that favors increased transparency, documentation, and potentially licensing mechanisms to safeguard authors' rights.

In LAC, regulatory responses remain nascent and fragmented. The most comprehensive proposal to date is Brazil's PL 2338/2023, a draft bill to establish baseline rules for the use of AI. In its current version, the bill would require AI developers to disclose the use of copyrighted material in the training of AI models, while copyright holders would have the option to either prohibit the use of their material or enter into negotiations to be fairly compensated for its use. Countries such as Chile and Argentina have also begun considering copyright reforms in light of new technologies, but formal legislative action remains limited. Much of the current activity is occurring in judicial settings or through research-driven consultations rather than through coordinated national strategies.

Globally, the United States plays an influential role in shaping normative expectations around AI and copyright. Despite lacking an overarching AI regulatory framework, the US has become a hotspot for litigation and policy experimentation. The US Copyright Office's AI Initiative, launched in 2023, has prompted guidance documents and open consultations on the copyrightability of AI-generated works and the legitimacy of using copyrighted datasets to train models. Concurrently, companies like OpenAI and Microsoft are advocating for a reformulated fair use doctrine or the creation of licensing mechanisms. Microsoft's exploration of training-time provenance—a technique to track the data used during model training—may help reconcile innovation incentives with rights protection. These efforts, coupled with pending lawsuits like the Getty Images v. Stability AI case, are likely to influence regulatory trajectories beyond the US, including in the EU and LAC.

Taken together, these trends point to a growing consensus on the need for regulatory clarity and technological transparency in how generative AI interacts with copyright. However, the scope, speed, and strategies of regulation vary significantly across regions, leaving important questions open—especially for creative professionals in the Global South.

3.2.2 Comparative Perspective

The regulation of artificial intelligence (AI) in creative industries reveals divergent approaches between LAC and EU, shaped by distinct socio-economic contexts and policy priorities. In Europe, the focus is on managing the socio-economic transitions brought about by AI through robust regulatory frameworks and proactive workforce policies. The EU AI Act exemplifies this approach by classifying AI systems used in employment as "high-risk," mandating transparency, human oversight, and impact assessments to protect workers' fundamental rights. This reflects the continent's broader strategy of balancing technological innovation with labor protection, particularly in creative sectors where AI increasingly influences content production, copyright issues, and digital media management. National strategies in countries like Germany and France emphasize reskilling and vocational training, ensuring that creative professionals can adapt to the rapid digital transformation.

Conversely, LAC's regulatory landscape is characterized by foundational challenges and a nascent approach to AI governance, particularly in creative industries. Countries like Brazil are taking initial steps to protect creators, as seen with PL 2.338/23, which seeks to regulate AI's use of copyrighted content and mandate compensation for rights holders. However, the region as a whole grapples with high labor informality, digital divides, and limited infrastructure, which hinder both the adoption of AI and the protection of creative workers. While AI systems in LAC show potential to formalize economies, the persistent precariousness of creative jobs—often informal or freelance—limits the benefits of technological integration. Thus, the emphasis remains on fostering basic digital literacy, expanding access, and promoting formal employment, rather than directly addressing AI-specific challenges within creative fields.

One of the core differences between the regions lies in the role of social dialogue and stakeholder involvement in shaping AI policies. In Europe, there is a strong tradition of involving labor unions and creative associations in policymaking, allowing for negotiated transitions that safeguard workers' rights. This is particularly relevant in the creative industries, where content ownership and intellectual property debates intensify with AI's rise. In contrast, LAC countries often lack structured social dialogues around AI integration, with regulations emerging more as reactive measures than proactive frameworks. The Brazilian initiative to include compensation clauses for AI-driven content creation marks a significant, albeit isolated, move towards aligning creative sector protection with technological advancements.

In both regions, however, the intersection of AI and creative industries underscores the need for a nuanced approach that balances innovation with fair labor practices and intellectual property protection. While Europe moves towards standardized, risk-based regulation with an emphasis on human oversight, LAC still focuses on foundational digital inclusion and labor formalization. Bridging these gaps requires not only regional cooperation within LAC but also dialogues with EU policymakers to ensure that emerging regulations reflect the global nature of creative industries in the AI era.

3.2.3 Challenges & Open Questions

The rapid expansion of AI use in the creative industries, in the absence of clear regulations and policies, has raised certain concerns, especially with regard to copyright laws and authorship recognition, which are essential for ensuring fair compensation for creators. More specifically, two main challenges have been identified in this respect:

1. Technology companies using intellectual property (IP) to train their AI models without the consent of the authors and/or rights holders may be engaging in copyright infringement, as is the case with AI models generating content based on protected IP. Both of these practices require appropriate regulation.

2. Although outputs that have been fully generated with AI are generally understood as ineligible for copyright protection, materials that combine AI with human contributions might be. However, the legal status of authorship in these cases is still ambiguous and subject to debate.

1. Regarding the first issue, two events brought this concern onto the international stage in the early months of 2025. First, Meta reportedly used Library Genesis—a shadow library that hosts pirated books, scientific articles, and other materials—to download millions of books for the purpose of training its own AI model. Second, a viral trend emerged on social media, whereby people used ChatGPT-4o to generate images recreating the recognisable style of Studio Ghibli animated films, which are considered intellectual property and thus protected under copyright laws. Although authors' rights were disregarded on a global scale in these two instances, the legal ramifications of doing so remain unclear.

Many associations and guilds of creative professionals (in EU, in LAC, and across the world) have been expressing their concerns for the past two years, demanding copyright and licensing laws that account for AI models. For instance, the Federation of Screenwriters in Europe, along with 12 other European organisations, has called for EU policymakers to ensure that “creators can exercise informed consent, be fairly remunerated for the use of their works through generative AI and receive financial compensation for all the current and future AI-produced contents [sic] that their creative work has contributed to generate.” (Ref: “Authors’, Performers’ and Other Creative Workers’ Organisations Joint Statement on Generative Artificial Intelligence and the EU AI ACT”, 2024).

2. The second challenge listed above raises many questions, such as the following: Who is the author of a poem, a photograph, or a song that has been initially generated using AI, but then heavily edited and modified by a human being? Could AI-developed works be considered the intellectual property of the person who used prompts not just to create, but also to refine them? If someone combines AI and human-made content to varying degrees, does the resulting product warrant copyright protection?

The complex relationship between AI, authorship, and rights ownership has also been addressed by technology companies themselves, such as Suno, Inc. The terms and conditions that regulate the use of Suno establish different types of “ownership” for the songs generated by their users, regardless of whether they are eligible for copyright protection in different jurisdictions. If a song was created with a free subscription plan, then Suno owns that work; if, however, a song was created with a premium (paid) plan, the user is recognised as the owner of the song and, as such, is granted a commercial use license. In any case, authorship and legal ownership of these materials remain ambiguous, and should therefore be more clearly defined, both throughout the creative industries and on a global scale.

3.2.4 Opportunity for Policy Learning

While AI tools can offer advantageous technological benefits to professionals in the creative industries, their use still presents many ethical and legal challenges that have not been properly confronted yet. Because of this, policies addressing AI in this field should safeguard its responsible use and development.

Taking into consideration all of the issues and challenges listed above, HEMISPHERES can serve as a platform to initiate a discussion towards better regulatory practices in the creative industries. For instance, it would be necessary for policymakers (in EU, in LAC, and worldwide) to design and formulate policies that protect the authorship rights, labor rights, and economic interests of all personnel in the creative industries. In order to do that, regulations should ensure both of the following aspects: 1) transparency and fair use of copyrighted materials in AI training; and 2) that AI-generated content does not infringe on existing intellectual property rights. New regulations must also define how AI-generated works should be treated in terms of authorship and ownership.

Furthermore, even though copyright laws are specific to each country or territory, policymakers should also take into account that the reach of AI is truly global.

3.3. AI & The Future of Work

3.3.1 Regulatory Trends

Artificial Intelligence (AI)-driven automation represents a profound technological shift with the potential to reshape labor markets globally. This report provides a comparative analysis of the impacts of AI automation and corresponding policy responses in EU and LAC. AI, particularly generative AI, differs from previous automation waves by its capacity to affect non-routine cognitive tasks, potentially impacting higher-skilled jobs previously considered immune. The mechanisms of impact involve a complex interplay of job displacement, productivity enhancement, job creation/reinstatement, augmentation of human capabilities, and overall job transformation, with significant implications for wages and skill demands.

In Europe, AI adoption is increasing but remains uneven, concentrated in large firms, specific sectors (ICT, Professional Services), and leading countries (e.g., Denmark, Sweden, Belgium). While aggregate job destruction has been limited so far, significant workforce transitions are anticipated. Key impacts include rising demand for digital and high-level cognitive skills, wage premiums for AI expertise, and mixed effects on job quality, alongside concerns about potential inequality and skills mismatches. European policy responses heavily emphasize supply-side measures like reskilling and lifelong learning, underpinned by ambitious EU targets and national initiatives. The landmark EU AI Act establishes a comprehensive, risk-based regulatory framework, designating employment-related AI as high-risk and imposing significant compliance obligations, aiming to foster trust but potentially slowing adoption. Social dialogue is recognized as crucial, though capacity gaps exist. Debates on adapting social security systems continue, with Universal Basic Income (UBI) discussed but facing significant hurdles.

LAC lags significantly behind Europe in AI adoption, investment, and readiness, primarily due to structural barriers including a severe digital divide, high levels of labor market informality, and substantial skills gaps. While overall AI exposure is

lower, limiting immediate disruption, these barriers also prevent the region from fully leveraging AI's potential for productivity gains and development, particularly hindering augmentation benefits for the large informal workforce. AI impacts risk exacerbating the region's already deep inequalities. Policy responses focus on building foundational prerequisites: investing in digital infrastructure, addressing basic and advanced skills deficits, and promoting formalization. National AI strategies are emerging, often linked to broader development goals, alongside growing regional cooperation efforts. Social protection reforms focus on extending coverage to informal workers. Regulation is nascent compared to Europe, raising questions about balancing innovation with protection in a context-specific manner.

Comparing the two regions reveals divergent challenges and priorities. Europe focuses on managing workforce transitions and regulating advanced AI within a developed, formalized economy. LAC must prioritize building fundamental infrastructure, skills, and institutional capacity to enable meaningful participation in the AI revolution. Policy toolkits reflect this difference: Europe deploys 'second-generation' regulatory and adaptive measures, while LAC uses a 'first-generation' approach focused on enabling conditions. Job quality concerns also differ in emphasis, reflecting a potential 'hierarchy of needs'. Policy effectiveness hinges on context: in Europe, success depends on managing transitions within the existing system; in LAC, it critically depends on addressing deep-seated structural inequalities.

3.3.2 Comparative Perspective

A worldwide review can illustrate the disparate impacts of AI on labor markets. In Germany, automation (including industrial robots as precursors to AI) in manufacturing led to employment shifts towards the service sector and wage polarization, although strong labor institutions and social dialogue helped manage the transition, maintaining job stability for existing workers. Conversely, in Brazil, while AI and digital finance, like the successful Pix system, offer potential for economic formalization, persistent high labor informality prevents much of the workforce from accessing AI's productivity benefits and paradoxically fosters precarious, low-paid data work essential for training AI models.

In Europe, labor policies focus on adapting the existing workforce and regulatory frameworks for the AI era. There is a strong emphasis on reskilling and lifelong learning, with ambitious EU-level targets (like 80% basic digital skills by 2030) and specific national strategies, such as those in Germany and France, investing in advanced vocational training, SME competence centers, and AI training units. Social dialogue between employers and workers is considered crucial for managing the transition fairly. Furthermore, the EU AI Act establishes a pioneering regulatory framework classifying AI systems used in employment (recruitment, worker management) as 'high-risk', imposing strict obligations regarding transparency, human oversight, and impact assessment to protect workers' fundamental rights.

LAC, facing more fundamental challenges, prioritizes creating the basic conditions for AI adoption. A central goal is closing the significant digital divide through investments in infrastructure and affordable access. Skills strategies must tackle both basic digital literacy deficits for the general population and the need for advanced AI and STEM talent. National AI Strategies in countries like Argentina, Brazil, Chile, Colombia, and Mexico often link AI to broader development goals. Given high informality, policies also focus on promoting formalization and adapting social protection systems to expand coverage. AI regulation is nascent compared to Europe, emphasizing regional cooperation and context-specific frameworks.

The Colombian labor market context highlights specific national challenges relevant to AI integration. Recent data (Nov 2024-Jan 2025) shows an unemployment rate of 7.4% for men and 12.7% for women, indicating a significant gender gap of 5.3 percentage points. Key sectors of employment include commerce/vehicle repair, agriculture/fishing (more prevalent for men), and public administration/health/education, with lower representation in finance and ICT. A substantial portion of the workforce is self-employed (approx. 10,000) compared to employed (over 11,000). Regional disparities are stark, with departments like Chocó and La Guajira facing high unemployment, while others like Bolívar and Magdalena exhibit severe gender gaps (9.1-9.8 points) in 2023. Economic activity also varies regionally, with trade dominating Bogotá's GDP (21.6%) and manufacturing leading in Antioquia (17.9%), Santander (21.8%), and Boyacá (19.5%) as of 2018. Amidst this landscape, the software industry is emerging, representing 3.7% of GDP in 2023 and growing rapidly (25% vs 2022),

signaling the impact of digital transformation and the integration of ICT and Generative AI into Colombia's evolving productive capacities.

3.3.3 Challenges & Open Questions

Regarding the impact of Generative AI on labor activities, the International Labour Organization (ILO) and the World Bank have published a report titled "Generative AI and Jobs in LAC: Is the Digital Divide a Buffer or a Bottleneck?" (Gmyrek et al., 2024) which states that between 26% and 38% of jobs in LAC could be influenced by Generative AI, either by enhancing productivity or through full automation.

Based on literature on Generative AI and the labor market, one of the most affected employment sectors will be "white-collar" jobs, which refer to office-based or administrative positions. These jobs are often associated with higher education levels or bureaucratic roles and tend to offer higher salaries (Guerra Blanco, 2020; Law & Varanasi, 2025). Conversely, "blue-collar" jobs, which involve manual labor, lower education levels, and work with raw materials, could be strengthened (Guerra Blanco, 2020).

Some key advantages of AI in the labor market include increased productivity, skill gap mitigation, and enhanced learning and adaptation. AI assistance can help less-skilled workers improve their speed and proficiency in certain tasks (Brynjolfsson et al., 2025). Moreover, new job opportunities may arise in AI management, training, and supervision, offering prospects for highly educated professionals (Howard, 2019).

However, major risks include job displacement and automation, market polarization, and the exacerbation of social and economic inequalities. Automation may necessitate reskilling in socio-emotional and personal competencies, altering talent management and worker selection mechanisms.

Another critical risk is the deskilling of experts. The exponential growth of Generative AI may lead to a decline in specialized knowledge, as workers may increasingly rely on AI recommendations instead of applying their expertise (Howard, 2019). Additionally, AI tools, predominantly developed in industrialized nations, could widen competitiveness gaps, creating economic and commercial imbalances, particularly for developing countries.

Then, governments and the private sector share responsibility for navigating the workforce transitions prompted by AI. Governments typically set strategic directions, fund large-scale initiatives, and reform education systems to include digital literacy, STEM, and lifelong learning principles, as seen in national AI strategies across EU and emerging in LAC. They also facilitate transitions through social safety nets and active labor market policies, often fostering public-private partnerships, such as the EU's Pact for Skills, to align training with market needs. The private sector, particularly firms that adopt AI, is crucial for providing specific job-related training, ensuring compliance with mandates such as the EU AI Act's requirement for AI literacy among staff, and engaging in social dialogue to define skill requirements and ensure fair implementation. Effective collaboration among all stakeholders-governments, businesses, educational institutions, and worker representatives-is crucial for anticipating needs and successfully managing the reskilling challenge.

Simultaneously, AI is fueling the growth of gig work and platform-based labor, creating significant challenges to labor protection. AI enables algorithmic management for on-demand task allocation and also underpins a global "data work" economy (labeling, moderation) typically characterized by precarious, low-paid, and informal conditions, particularly prevalent in regions like LAC. This leads to widespread issues, including job insecurity, a lack of benefits, exclusion from social protection, opaque algorithmic control that reduces worker autonomy, and heightened workplace surveillance with weak privacy safeguards, especially for informal workers. Existing labor laws often lag behind these technological shifts, and while regulations like the EU's proposed Platform Work Directive and the AI Act attempt to address gaps, concerns remain about their sufficiency, leading unions to call for more specific workplace AI directives. Extending adequate protections to this growing segment of the workforce is a critical global challenge, particularly complex in contexts of high informality.

Considering the shared responsibility for “reskilling”, what is the optimal balance between government mandates/funding and private sector investment in workforce training for the AI era, and how can this balance be adapted for different economic contexts (e.g., EU vs. LAC)?

How effective are current and proposed regulations, such as the EU AI Act or national labor laws, in addressing the specific challenges of AI-driven gig work,

particularly concerning algorithmic management, worker autonomy, and surveillance? What further regulatory or non-regulatory actions might be needed?

Given the rise of precarious AI-driven data work, often outsourced globally, what strategies can be implemented by international bodies, governments, and companies to ensure fair wages, decent working conditions, and adequate social protection for these workers, especially those in the informal economy?

3.3.4 Opportunity for Policy Learning

HEMISPHERES can play a strategic role as a platform for practical cooperation on the governance of work in the era of artificial intelligence (AI), by facilitating institutional capacity mapping and promoting shared agendas between Europe and LAC. The current landscape reveals substantial asymmetries: while Europe is advancing in regulatory adaptation and workforce transition policies—such as reskilling programs and the EU AI Act—LAC continues to face structural challenges, including high levels of informality, a persistent digital divide, and limited institutional readiness, though it also presents opportunities for inclusive innovation. These differences highlight regulatory tensions: Europe seeks to balance technological adoption with labor protection, whereas LAC must first establish the enabling conditions for effective AI governance amid the growing prevalence of precarious digital labor and algorithmic management. A key takeaway is that regulatory responses must be context-sensitive and adaptive; HEMISPHERES can facilitate this bidirectional learning, fostering shared strategies that align innovation with labor rights and inclusive development in the age of AI.

4. RECOMMENDATIONS & NEXT STEPS

Based on the previous analysis the AI Working Group recommends the following actions:

1. **Map existing AI institutions and good practices to support better decision-making.**

To make informed decisions about AI governance, it is necessary to identify existing AI capabilities and initiatives both at the global and regional levels. This includes mapping key stakeholders involved in shaping the AI landscape. The Working Group emphasises the importance of leveraging existing processes and forums, rather than creating new ones. For example, LAC countries should intensify their participation in existing international forums and networks, such as the International Network of AI Safety Institutes, to ensure regional perspectives and priorities are considered when shaping global norms.

2. **Map existing risk-based approaches to inform recommendations.**

To identify strengths and challenges to draft recommendations on AI governance, it is necessary to map existing proposals that define acceptable levels of risk associated with AI tools. This mapping can facilitate comparison of the diverse approaches emerging at both global and regional levels and help inform the adoption of more effective or context-appropriate models. Also to understand the policy or regulatory approach.

3. **Explore adopting a policy bottom-up approach**

When addressing AI-related topics, the Working Group considers that its work could be strengthened by adopting a bottom-up policy approach, rather than a top-down approach, or identify opportunities to apply one approach or another. This approach helps ensure that the concerns of diverse stakeholders affected by AI deployment are taken into account.

4. **Foster collaboration with other key stakeholders**

Once the mapping of AI institutions, good practices and key stakeholders is complete, the Consortium should proactively engage with other relevant actors on

the AI landscape at all levels, including civil society, Academia and government. To support this engagement the Working Group suggests tracking relevant events at the global and regional levels where AI-related topics are addressed, such as the Internet Governance Forum (IGF) and the Latin America Internet Governance Forum (LACIGF).

5. Ensuring Inclusive and Equitable Governance

Inclusivity must remain a core principle throughout all phases of cooperation. Local actors-civil society, SMEs, academic institutions, and underrepresented communities-must be actively engaged to ensure that governance approaches are not only technically sound but also socially legitimate and contextually relevant.

As next steps, the group considers relevant to focus on the following key topics:

1. Enforcement within the AI landscape.

Begin addressing the question of enforcement within the AI domain. Particularly, it is important to consider how enforcement mechanisms can be implemented and monitored within companies.

2. Energy efficiency and sustainability.

As highlighted in this report, AI's energy consumption is a key concern for stakeholders. Therefore, it is necessary to promote energy-efficient and sustainable AI. The group suggests exploring the benefits of developing a guide to help stakeholders to choose technology that balances performance, reliability, and energy usage.

3. Transparent AI.

Explore which opportunities for promoting transparent AI. This includes supporting the development and adoption of open-source AI systems that are accessible and understandable to a wide range of users and stakeholders.

4. European/Iberoamerican technology.

Explore the benefits of encouraging the adoption of more European/Iberoamerican technology to reduce dependency and polarization on

the US and China technologies. It is important to identify and leverage local and non-commercial tools and systems that are often overlooked.

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PROJECT INFORMATION

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PRINCIPAL INVESTIGATOR: Urs Gasser	PROJECT COORDINATOR: Pablo Gómez Ayerbe
PROJECT COORDINATOR ORGANIZATION: Technical University of Munich (TUM), Germany	PROJECT COORDINATOR EMAIL ADDRESS: pablo.ayerbe@tum.de



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