

THE IMPERATIVE OF PROTECTING HUMAN DIGNITY AND FUNDAMENTAL EU VALUES IN THE CONTEXT OF IMPLEMENTING ARTIFICIAL INTELLIGENCE SYSTEMS

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Abstract: *The final declaration of the Paris Summit for Open AI, held on February 6-11, 2025, seen as “an extension” of the Council of Europe’s Framework Convention on Artificial Intelligence, emphasized on the one hand that the summit “defined an inclusive, open, and multi-stakeholder approach that will enable AI to be ethical, safe, secure, trustworthy, and focused on human rights and people”, while also highlighting the urgency of ethical assessment and firm control over the impact on human rights. Therefore, this study illustrates the challenges posed by the implementation of AI systems on human dignity and, implicitly, the need for regulatory rigor at the EU and Council of Europe level to enable a response to these challenges.*

Key words: *human dignity, protection, artificial intelligence, risk assessment*

1. Introductory Aspects of Human Dignity in a "Union of Values"

Human dignity is not only a fundamental right in itself, but also the very foundation of fundamental rights. At EU level, human dignity is regulated both in primary law, in Art 1, Title I of the Charter of Fundamental Rights of the EU, where the text states that "*Human dignity is inviolable. It must be respected and protected*", as well as at the level of secondary EU law, the relevant legislative framework being Regulation (EU) 2024/1689 laying down harmonized rules on artificial intelligence, which provides that in the context of artificial intelligence, the protection of the right to human dignity needs to be reconsidered.

Also, within the EU, human dignity has been established at the jurisprudential level, such that in its judgment of October 9, 2001, in Case C-377/98, *Netherlands v. European*

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Parliament and Council, the Court of Justice of the European Union reaffirmed that the fundamental right to human dignity is an integral part of EU law.

At the level of the Council of Europe, references to artificial intelligence and human rights can be found in the Framework Convention adopted on May 17, 2024, also known as the first legally binding international treaty aimed at ensuring respect for human rights, the rule of law, and democratic legal standards in the use of artificial intelligence (AI) systems, which sets out human dignity and non-discrimination as fundamental principles.

The final declaration of the Paris Summit for Open AI, held on February 6-11, 2025, seen as “an extension” of the Council of Europe’s Framework Convention on Artificial Intelligence, emphasized on the one hand that the summit “defined an inclusive, open, and multi-stakeholder approach that will enable AI to be ethical, safe, secure, trustworthy, and focused on human rights and people”, while also highlighting the urgency of ethical assessment and firm control over the impact on human rights. Therefore, this study illustrates the challenges posed by the implementation of AI systems on human dignity and, implicitly, the need for regulatory rigor at the EU and Council of Europe level to enable a response to these challenges.

As enshrined in Article 2 of the TEU, the European Union is a “union of values”, founded on respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. Furthermore, in accordance with the Charter of Fundamental Rights of the European Union, the Union is founded on the indivisible and universal values of human dignity, freedom, equality and solidarity.

The Charter also reaffirms the rights which result mainly from the constitutional traditions and international obligations common to the Member States, from the European Convention for the Protection of Human Rights and Fundamental Freedoms, from the Social Charters adopted by the European Union and by the Council of Europe, and from the case-law of the Court of Justice of the European Union and the European Court of Human Rights.

In the meaning given by the provisions of the Charter, the term dignity implies “human dignity”, “the right to life”, “the right to the integrity of the person”, “the prohibition of torture and inhuman or degrading treatment or punishment” and “the prohibition of slavery and forced labor”.

In the context of digital transformations and implicitly the presence of AI systems, the European Union had to decide on how its fundamental values and rights applicable in the offline environment should be applied in the digital environment or whenever humans are within the perimeter of the AI system.

Therefore, the European Union, on behalf of its member states, adopted a series of documents relevant to the analyzed topic, including: “the Tallinn Declaration on e-Government” and “the Berlin Declaration on Digital Society and Value-Based Digital Governance”, “the Lisbon Declaration - Digital Democracy with Purpose”, through which it advocated for the development of a digital transformation model that would strengthen Union values.

The Union's approach culminated in the adoption on January 23, 2023 of the European Declaration on Digital Rights and Principles for the Digital Decade a complementary non-binding legal instrument, the main purpose of which was paraphrased as follows: "The Declaration ... sets out the EU's commitment to a safe, secure and sustainable digital transformation that puts people at the centre, in line with the EU's core values and fundamental rights."

As highlighted in Chapter I of the joint Declaration of Rights and Principles, it "places people at the heart of digital transformations" through which the EU commits to strengthening a digital environment that protects privacy, leading to a high level of confidentiality, integrity, availability and authenticity of the information processed.

At the same time, the declaration shows citizens that European values, as well as the rights and freedoms enshrined in the EU legal framework, must be respected online, as they are offline. ... the text will guide policy makers and companies dealing with new technologies. The declaration will also shape the EU's approach to digital transformation worldwide" (Geingerich, 2023, p.19).

Regarding the concept of dignity, the Romanian legislator establishes a broad meaning, with the addressability to both natural and legal persons. In this legal reality, the role of defining human dignity fell to the Constitutional Court of Romania, which ruled by Decision no. 1.576 of December 7, 2011, that "human dignity is an inalienable attribute of human persons"; we therefore deduce that human dignity, as enshrined in art. 1(3) of the Romanian Constitution, concerns only citizens (natural persons) (Cornu, 2007, p. 309, p. 461) being accepted in the Court's jurisprudence as a guiding principle, as a supreme value of the state (O'Mahony, 2012, pp. 560-565).

The jurisprudence of the Constitutional Court establishes the inviolability of human dignity, taking over art. 1 of the Charter of Fundamental Rights of the European Union. The primary framework of fundamental rights applicable to the use of AI in the European Union consists of the EU Charter of Fundamental Rights and the European Convention on Human Rights.

2. Special Overview of the Main EU and International Regulation for the Protection of Fundamental Rights in the Context of AI

The EU Charter of Fundamental Rights, applicable since 2009, with the same legal value as the Treaty of Lisbon itself, brings together civil, political, economic and social rights in a single text. According to Article 51(1) of the Charter, the Union institutions, bodies, offices and agencies must respect all the rights enshrined in the Charter when implementing Union law, including when applying the provisions on the regulation of AI.

Also relevant at EU level is sectoral secondary legislation, in particular Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) 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, as well as the acquis on privacy and data protection, non-discrimination legislation and access to

justice legislation, all of these legislative instruments contributing to guaranteeing fundamental rights in the context of AI.

Also, at the Council of Europe level, both the European Convention on Human Rights and the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, adopted on May 17, 2024, also known as the first binding international treaty (Duţu, 2024) stand out as being incidental to the analyzed topic from a legal point of view, which aims to ensure respect for human rights, the rule of law and democratic legal standards in the use of artificial intelligence (AI) systems, which enunciate human dignity and non-discrimination as fundamental principles.

About this international treaty, Marija Pejčinović, Secretary General of the Council of Europe stated: *“The Framework Convention on Artificial Intelligence is a global treaty, the first of its kind, that will guarantee that artificial intelligence respects human rights. It responds to the need for an international legal standard supported by states from different continents that share the same values to harness the benefits of artificial intelligence while reducing the risks. With this new treaty, we aim to ensure a responsible use of artificial intelligence that respects human rights, the rule of law and democracy.”*

According to the United Nations Guiding Principles on Business and Human Rights (UNGPs 15 and 17), companies using AI systems, regardless of their sector of activity, must have in place “a human rights due diligence process to identify, prevent, mitigate and explain how they address their human rights impacts”.

In fulfilling its commitments to the UN Guiding Principles, the EU has adopted several pieces of legislation addressing sectoral instruments, in particular in the context of human rights due diligence obligations. In this context, companies must therefore comply with relevant internationally recognised human rights law and avoid violating them through their own activities, including in the supply chain.

The report of the European Union Agency for Fundamental Rights (FRA), entitled *Getting the Future Right – Artificial Intelligence and Fundamental Rights*, provides an overview of the current use of AI-related technologies within the European Union and examines their implications for fundamental rights. The report focuses on use-case scenarios in four main areas: social benefits, predictive-analysis-based policing, healthcare services, and targeted advertising.

With regard to the protection of human rights in relation to the implications of activities carried out within the life cycle of artificial intelligence systems, the first obligation of States is to ensure that their domestic law is in accordance with their international legal obligations, in particular the obligation to respect, protect and fulfil fundamental rights. They are of course free to choose the means of implementing those duties, provided that the regulations are in accordance with them. This is an obligation of result, and in this regard the principle of subsidiarity is essential as it gives the parties the responsibility to ensure respect for human rights and to provide for remedies in the event of non-compliance (Puran, 2025).

Also, on February 5, 2024, in Kranj (Slovenia), a Charter to build an ethics of AI was adopted by 8 private giants of the field (GSMA, INNIT, Lenovo Group, LG AI Research, Mastercard, Microsoft, Salesforce and Telefonica), under the auspices of UNESCO within the process initiated in 2021. The signatories commit to fully assume their role in the protection of human rights, in the design, development, purchase, sale and use of AI. The Charter provides for the establishment of procedures for verifying compliance with security rules, identifying the negative effects of the use of AI, but also the obligation to apply, within a reasonable time, limitation measures and remedy these effects in compliance with national legislation.

At the same time, “the importance of ex ante tests (before placing on the market) is emphasized and the development of ex post (after deployment) practices for assessing and mitigating risks is also called for, taking into account the rapid evolution of AI systems that are already on the market” (Duțu, 2024, 17-46).

Analyzing international norms, two major approaches to the issue of artificial intelligence are currently evident. The first approach considers the risks of using AI, focusing mainly on self-regulation and self-assessment of the development of new technologies. The second approach aims to integrate fundamental human rights into all stages of the AI life cycle (Puran, 2025).

Regarding the latter approach, we recall the UN Human Rights Council Resolution of 14 July 2023 on new and emerging digital technologies and human rights (Resolution A/HRC/RES/53/29). The Resolution recognizes the importance of new technologies, showing that they have the potential to facilitate efforts to accelerate human progress, while contributing, together with artificial intelligence systems, to the promotion, protection and exercise of human rights and fundamental freedoms, but also highlighting the risks that new and emerging technologies and AI pose with regard to fundamental rights.

Starting from the statement that “the same rights that apply offline also apply online”, the Resolution emphasizes the importance of “guaranteeing, promoting and protecting human rights throughout the life cycle of artificial intelligence systems”, given the obligation of states to promote respect for and protection of all human rights and fundamental freedoms for all, in accordance with international regulations in the field.

The Human Rights Council draws the attention of Member States, through the aforementioned resolution, to the need to protect individuals from harm caused by artificial intelligence systems. Protection will include ensuring the safety of artificial intelligence systems, creating methods for assessing the impact on human rights, as well as preventing and mitigating negative impacts on them, ensuring effective remedies and human oversight, and accountability in all forms, including legal liability.

On March 21, 2024, the United Nations General Assembly, in its 78th session, unanimously adopted the first global Resolution on the promotion of artificial intelligence, “safe, secure and trustworthy” to achieve the sustainable development goals set by the UN, which aim to ensure a better future for all humanity by 2030. The resolution aims to encourage the protection of personal data but also to monitor AI for risks and respect, protect and promote human rights.

3. The Need for Viable Regulations regarding the Compatibility of Artificial Intelligence Systems with Fundamental Values

The Council of Europe has demonstrated on numerous occasions its ability to initiate new standards, which later became benchmarks at international level (Pejčinović Burić, 2023).

The Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law represents such an approach, being qualified in the specialized doctrine as representing "an appropriate legal instrument on the development, design and application of artificial intelligence systems based on the Council of Europe standards on human rights, democracy and the rule of law..." (Breuer, 2022). The relevant Council of Europe document therefore aims to ensure the compatibility of AI with the fundamental values promoted by the Council. In this regard, in paragraphs 3 and 4 of the Preamble to the Convention, the Council's AI Committee states that "artificial intelligence systems... have the potential to promote human prosperity, as well as individual and societal well-being, sustainable development, gender equality and the empowerment of all women... and other important objectives and interests, by stimulating progress and innovation" and recognises "that artificial intelligence systems can be designed, developed and used to offer unprecedented opportunities to protect and promote human rights and fundamental freedoms, democracy and the rule of law". To the same extent, in paragraphs 5-7 of the same preamble, the committee reaffirms its concern that the same AI systems "may undermine human dignity and individual autonomy, human rights and fundamental freedoms, democracy and the rule of law", as well as lead to discrimination and repression through surveillance and censorship. Therefore, in light of the provisions of Article 1(1) of the Convention, the treaty establishes "principles and obligations aimed at ensuring that the design, development, use and decommissioning of artificial intelligence systems are fully compatible with respect for human dignity and individual autonomy, human rights and fundamental freedoms, the functioning of democracy and respect for the rule of law". As provided for in Article 2, the Convention adopts a risk-based approach, in the sense that each Party "shall maintain and take in its domestic legal system graduated and differentiated measures, which are necessary and appropriate, taking into account the seriousness and likelihood of adverse impacts on human rights and fundamental freedoms, democracy and the rule of law during the design, development, use and decommissioning of artificial intelligence systems."

The Convention will "apply to the design, development, use and decommissioning of artificial intelligence systems that have the potential to interfere with respect for human rights and fundamental freedoms, the functioning of democracy and respect for the rule of law." It will only set minimum standards so that each Party can provide broader protection against AI-related risks, taking the necessary measures to ensure that "all activities related to the design, development, use and decommissioning of artificial intelligence systems are compatible with relevant human rights and non-discrimination obligations...". At the same time, Parties will have to adopt measures to identify, assess, prevent and mitigate potential risks and assess the need for a moratorium, ban or other

appropriate measures regarding the uses of artificial intelligence systems where their risks may be incompatible with human rights standards. They will also need to ensure accountability and responsibility for adverse effects and ensure that AI systems respect equality, including gender equality, the prohibition of discrimination and the right to privacy. In addition, parties to the treaty will need to ensure the availability of remedies for victims of human rights violations related to the use of AI systems and procedural safeguards, including notification to all individuals interacting with AI systems of the fact that they are interacting with such systems.

With regard to risks to democracy, the treaty requires parties to adopt measures to ensure that AI systems are not used in a manner that would undermine democratic institutions and processes, including the principle of separation of powers, respect for judicial independence and access to justice. It is therefore evident that the efforts of the actors directly involved in the adoption of the Council of Europe Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law are part of the concerns of the member states to find the most complete and appropriate legal response to the problem related to the fact that AI technologies open up great possibilities for humanity, but also carry major risks for the exercise of human rights, the proper functioning of democracy and respect for the requirements of the rule of law (Duțu, 2025). The aim of the Union legislator, by adopting Regulation (EU) 2024/1689 laying down harmonised rules on artificial intelligence, is to promote human-centric, ethical and trustworthy artificial intelligence systems, which are fully in line with the Charter of Fundamental Rights and the values on which the European Union is founded.

At the same time, the harmonisation framework aims to ensure a high level of protection of health, safety, fundamental rights, democracy and the rule of law, as well as the environment against harmful effects, while supporting innovation. Member States, when implementing the regulation, are required to promote measures to develop a sufficient level of AI literacy, in all economic and social areas and taking into account the diversity of needs of groups of providers, implementers and affected persons, including through education and training programmes, while ensuring an appropriate gender and age balance, in order to enable democratic control of AI systems. In accordance with established international standards in the field of human rights, for example, Article 1 of the European Convention on Human Rights (ECHR) and Article 51 of the Charter, states are obliged to guarantee the rights and freedoms of individuals.

4. The Need to Ensure Effective Oversight of Artificial Intelligence Systems - A Mechanism for the Protection of Fundamental Rights

4.1. Guaranteeing Fundamental Rights

Given that the implementation of AI systems involves a wide range of fundamental rights, greater attention must be paid to guaranteeing them through effective monitoring mechanisms and, implicitly, accountability in the event of any negative impact on them.

To guarantee the protection of fundamental rights, standards and regulatory bodies are required to oversee the use of AI as well as to maintain full human control over AI, without granting it rights or privileges equal to those of humans. For example, in accordance with the United Nations Guiding Principles 15 and 17 on Business and Human Rights, companies should have “a human rights due diligence process to identify, prevent, mitigate and explain how they address their impacts on human rights”. In fulfilling its commitments to the UN Guiding Principles, the European Union has adopted several sectoral pieces of legislation, in particular regarding the potential impact of business activities in their supply chain on human rights and the environment. From the perspective of businesses, impact assessments are therefore an important tool to mitigate the potential negative effect of their activities on fundamental rights.

4.2. Responsibility for the use of AI systems – A premise for the protection of Fundamental Rights

The design, development and use of artificial intelligence systems that have the potential to interfere with the respect for human rights and fundamental freedoms, the functioning of democracy and respect for the rule of law must be carried out with the utmost responsibility. There are aspects of correlation between responsibility and transparency in the sense that there must always be adequate ways to identify and pursue violations of rights and to provide appropriate remedies and reforms. At the same time, an AI system must be developed ethically, taking into account fundamental rights, in order to achieve the objective of “responsible AI”, which implies an ethical decision-making process from the research and development phase, more effective consumer education, before the AI is launched and put into operation. This is supported by the Japan Society for Ethical Guidelines for AI, which believes that the development of AI systems should be carried out “in accordance with the ethics, conscience and competence of both its researchers and society as a whole. AI should contribute to the peace, safety, welfare and public interest of society, the Society states, and protect human rights.” (Bird, Fox-Skelly, Jenner, Larbey, Weitkamp, Winfield, 2020, p. 56).

Also, a decisive role at the level of the Member States in ensuring respect for fundamental rights in the context of technology is played by supervisory bodies, which can operate at the level of data protection authorities, equality bodies, national human rights institutions, Ombudsman institutions and consumer protection bodies. Therefore, at the level of national bodies involved in the protection of fundamental rights, effective accountability systems are implemented, such as, for example, updating the skills of staff, specializing them with the acquisition of skills in the field of new technologies that allow them to address complex issues related to the development and use of AI.

At the same time, we consider that these bodies must have sufficient resources with skills adapted to new technologies, with adequate expertise to prevent and assess violations of fundamental rights and to support in a concrete and efficient manner those whose fundamental rights are affected by AI.

4.3. Cohabitation between Human well-being and AI systems

To protect human well-being, defined as “human satisfaction with life and living conditions, as well as an appropriate balance between positive and negative effects”, it is suggested to prioritize human well-being throughout the design and use phase of the AI system. In this regard, STOA opines in the Study on the Future of Science and Technology that “AI should not only not disrupt human well-being, but should proactively encourage and support it to improve and develop”.

5. Conclusions

The imperative to protect human dignity implies that when adopting new legislative acts on AI, the EU co-legislator and the Member States, acting within the scope of EU law, must ensure specific fundamental rights safeguards, designed to effectively protect against arbitrary interference with fundamental rights and to provide legal certainty to both developers and users of AI.

This theme assumed by the EU and the Member States, implies in particular that the adoption of EU legislation should be based on solid evidence of the impact of AI on fundamental rights. We believe that the impact assessment should be carried out in a manner that provides transparency and be based on criteria such as: the different scope of application of AI technologies, the level of automation and good practices established in other areas.

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