# The AI Act in a nutshell

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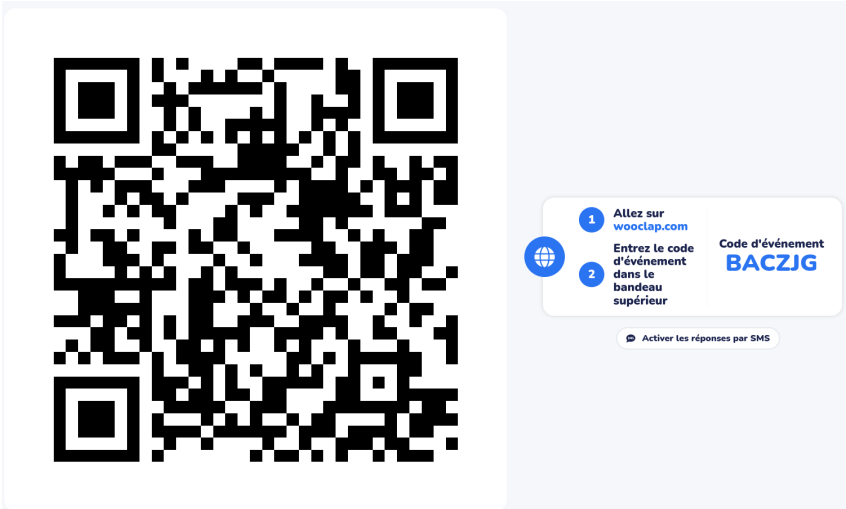
# Sources of inspiration

- Selma DEMIR, PhD student in private law and criminal sciences : “Intelligence artificielle et enjeux juridiques : entre innovation, régulation et création” (June 12th, 2025) – with her approval

# Have you heard about the AI Act?



# Motivations

More and more widespread usage of AI tools $\Rightarrow$ we should regulate them

- Soft Law: guidelines, recommendations, green papers, white papers, etc.
  $\rightarrow$ voluntary, no legal constraint
- Hard Law: regulations, directives, laws etc.
  $\rightarrow$ constraints, with sanctions

# Creating responsible and trustworthy AI tools

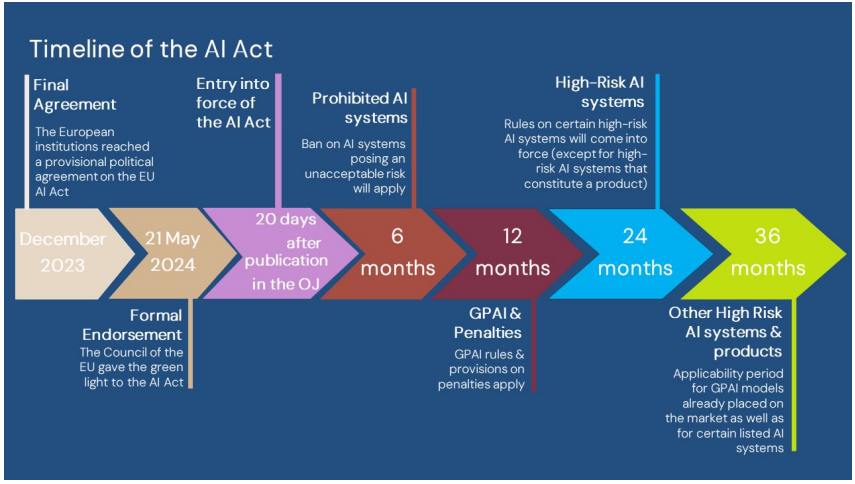
Trustworthy AI includes 3 components:

- it should be licit (lawful), insuring respect for applicable rules and regulations
- it should be ethical, insuring respect of ethical principles and values
- it should be robust, technically and socially

# 7 essential requirements

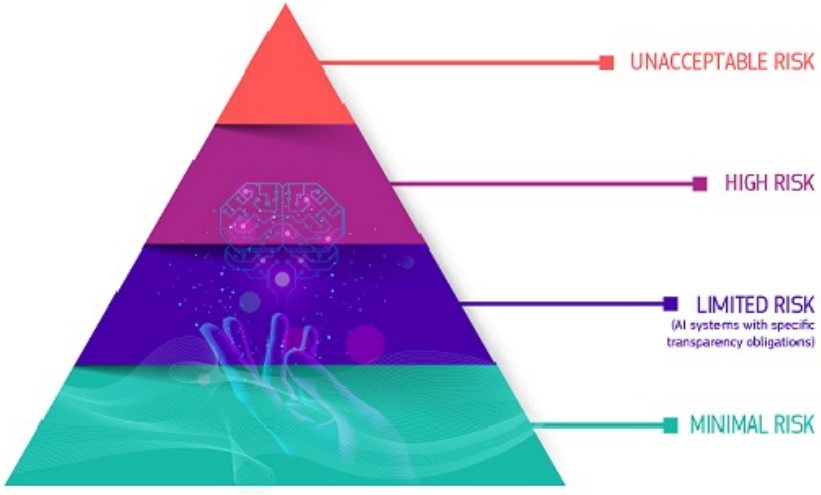
- human action, human control
- technical robustness and safety
- respect for privacy and governance
- transparency
- diversity, non-discrimination and fairness
- social and environmental well-being
- responsibility

# The AI Act: a progressive application



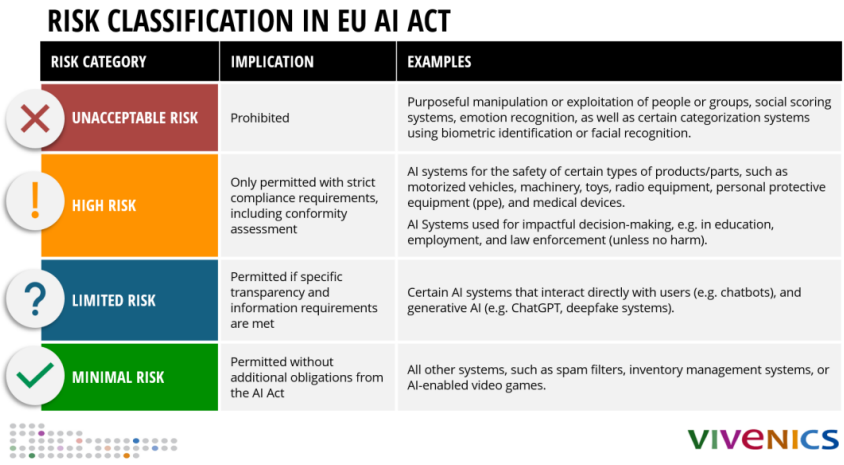

https://bernitsaslaw.com/2024/05/27/formal-adoption-of-the-ai-act-by-the-council-eu-timeline-highlights

# The AI Act: a risk-based approach




https://digital-strategy.ec.europa.eu/en/policies/regulatory-framework-ai

# The AI Act: risks?




https://vivenics.com/ai-act-risk-assessment/

# Prohibited AI practices (art 5) from Feb. 2nd, 2025

*Article 5*

**Prohibited AI practices**

1. The following AI practices shall be prohibited:

(a) the placing on the market, the putting into service or the use of an AI system that deploys subliminal techniques beyond a person's consciousness or purposefully manipulative or deceptive techniques, with the objective, or the effect of materially distorting the behaviour of a person or a group of persons by appreciably impairing their ability to make an informed decision, thereby causing them to take a decision that they would not have otherwise taken in a manner that causes or is reasonably likely to cause that person, another person or group of persons significant harm;

(b) the placing on the market, the putting into service or the use of an AI system that exploits any of the vulnerabilities of a natural person or a specific group of persons due to their age, disability or a specific social or economic situation, with the objective, or the effect, of materially distorting the behaviour of that person or a person belonging to that group in a manner that causes or is reasonably likely to cause that person or another person significant harm;

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32024R1689

# Prohibited AI practices (art 5) from Feb. 2nd, 2025

(c) the placing on the market, the putting into service or the use of AI systems for the evaluation or classification of natural persons or groups of persons over a certain period of time based on their social behaviour or known, inferred or predicted personal or personality characteristics, with the social score leading to either or both of the following:

(i) detrimental or unfavourable treatment of certain natural persons or groups of persons in social contexts that are unrelated to the contexts in which the data was originally generated or collected;

(ii) detrimental or unfavourable treatment of certain natural persons or groups of persons that is unjustified or disproportionate to their social behaviour or its gravity;

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32024R1689

# Prohibited AI practices (art 5) from Feb. 2nd, 2025

(d) the placing on the market, the putting into service for this specific purpose, or the use of an AI system for making risk assessments of natural persons in order to assess or predict the risk of a natural person committing a criminal offence, based solely on the profiling of a natural person or on assessing their personality traits and characteristics; this prohibition shall not apply to AI systems used to support the human assessment of the involvement of a person in a criminal activity, which is already based on objective and verifiable facts directly linked to a criminal activity;

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# Prohibited AI practices (art 5) from Feb. 2nd, 2025

(e) the placing on the market, the putting into service for this specific purpose, or the use of AI systems that create or expand facial recognition databases through the untargeted scraping of facial images from the internet or CCTV footage;

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32024R1689

# Prohibited AI practices (art 5) from Feb. 2nd, 2025

(f) the placing on the market, the putting into service for this specific purpose, or the use of AI systems to infer emotions of a natural person in the areas of workplace and education institutions, except where the use of the AI system is intended to be put in place or into the market for medical or safety reasons;

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32024R1689

# Prohibited AI practices (art 5) from Feb. 2nd, 2025

(g) the placing on the market, the putting into service for this specific purpose, or the use of biometric categorisation systems that categorise individually natural persons based on their biometric data to deduce or infer their race, political opinions, trade union membership, religious or philosophical beliefs, sex life or sexual orientation; this prohibition does not cover any labelling or filtering of lawfully acquired biometric datasets, such as images, based on biometric data or categorizing of biometric data in the area of law enforcement;

(h) the use of 'real-time' remote biometric identification systems in publicly accessible spaces for the purposes of law enforcement, unless and in so far as such use is strictly necessary for one of the following objectives:

(i) the targeted search for specific victims of abduction, trafficking in human beings or sexual exploitation of human beings, as well as the search for missing persons;

(ii) the prevention of a specific, substantial and imminent threat to the life or physical safety of natural persons or a genuine and present or genuine and foreseeable threat of a terrorist attack;

(iii) the localisation or identification of a person suspected of having committed a criminal offence, for the purpose of conducting a criminal investigation or prosecution or executing a criminal penalty for offences referred to in Annex II and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least four years.

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32024R1689

# High-risk AI systems (art 6) from August 2nd, 2026

AI systems which can have a negative impact on the persons' safety or on their fundamental rights and which are either:

- used as a security component in a product covered by the European regulation or a product itself
- the object of a mandatory conformity assessment done by a third party organisation before being put on the market

+ AI systems listed in an appendix: Biometrical information, critical infrastructures, employment, justice and democratic process, education and professional training

# Limited-risk AI systems (art 50)

*Article 50*

**Transparency obligations for providers and deployers of certain AI systems**

1. Providers shall ensure that AI systems intended to interact directly with natural persons are designed and developed in such a way that the natural persons concerned are informed that they are interacting with an AI system, unless this is obvious from the point of view of a natural person who is reasonably well-informed, observant and circumspect, taking into account the circumstances and the context of use. This obligation shall not apply to AI systems authorised by law to detect, prevent, investigate or prosecute criminal offences, subject to appropriate safeguards for the rights and freedoms of third parties, unless those systems are available for the public to report a criminal offence.

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32024R1689

# Minimal-risk AI systems

AI systems which are not listed otherwise, e.g.:

- anti-spam filters
- AI-based video games
- etc

# Actors in the AI value chain

- Providers: develop the AI Systems
- Deployers: any natural or legal person, public authority, agency or other body using an AI System under its authority
- Authorised representatives of providers: intermediary between AI Providers outside the EU on one hand, and European authorities and consumers on the other hand
- Distributors: provide AI Systems for distribution or use on the EU market
- Importers

Inspired from https://www.bakerdonelson.com/whos-who-under-the-eu-ai-act-spotlight-on-key-actors

# Actors' obligations

| Risks | **Providers** | **Deployers** | **Repr.** | **Importers** | **Distributors** |
|---|---|---|---|---|---|
| **Unacceptable** | Prohibited | Prohibited | Prohibited | Prohibited | Prohibited |
| **High** | Specific obligations[1] | Specific obligations | Specific obligations | Specific obligations | Specific obligations |
| **Limited** | Transparency[2] | Transparency | No obligation | No obligation | No obligation |
| **Minimal** | Good practices | Good practices | Good practices | Good practices | Good practices |

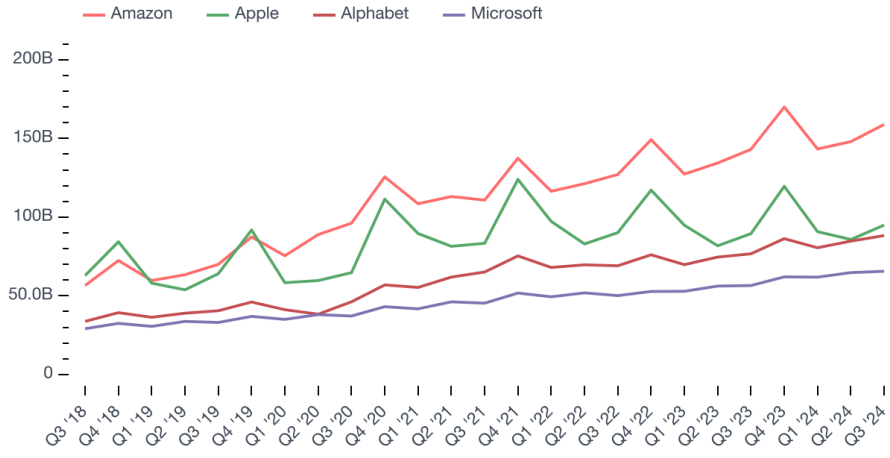
[1] Art. 16+
[2] Art. 50

# Sanctions

Fines:

- Up to 35 million euros or 7% of the global revenue for the usage of prohibited AI systems
- Up to 15 million euros or 3% of the global revenue for other infringements

$\rightarrow$ Is this enough?




https://barchart-news-media-prod.aws.barchart.com/SYNDSRC/2048946d2285413dd97b60ab19b51f6c/quarterly-revenue-of-big-tech-companies.png

Introduction

The AI Act approach

The AI Act actors and their obligations

The AI Act sanctions

Scope: the devil is in the details

# The AI Act: scope

*Article 2*

**Scope**

1. This Regulation applies to:

(a) providers placing on the market or putting into service AI systems or placing on the market general-purpose AI models in the Union, irrespective of whether those providers are established or located within the Union or in a third country;

(b) deployers of AI systems that have their place of establishment or are located within the Union;

(c) providers and deployers of AI systems that have their place of establishment or are located in a third country, where the output produced by the AI system is used in the Union;

(d) importers and distributors of AI systems;

(e) product manufacturers placing on the market or putting into service an AI system together with their product and under their own name or trademark;

(f) authorised representatives of providers, which are not established in the Union;

(g) affected persons that are located in the Union.

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32024R1689

# The AI Act: What is not covered (exceptions)

3. This Regulation does not apply to areas outside the scope of Union law, and shall not, in any event, affect the competences of the Member States concerning national security, regardless of the type of entity entrusted by the Member States with carrying out tasks in relation to those competences.

This Regulation does not apply to AI systems where and in so far they are placed on the market, put into service, or used with or without modification exclusively for military, defence or national security purposes, regardless of the type of entity carrying out those activities.

This Regulation does not apply to AI systems which are not placed on the market or put into service in the Union, where the output is used in the Union exclusively for military, defence or national security purposes, regardless of the type of entity carrying out those activities.

...

6. This Regulation does not apply to AI systems or AI models, including their output, specifically developed and put into service for the sole purpose of scientific research and development.

...

12. This Regulation does not apply to AI systems released under free and open-source licences, unless they are placed on the market or put into service as high-risk AI systems or as an AI system that falls under Article 5 or 50.

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32024R1689

# The AI Act: What is not covered (exceptions)

- AI systems and models developed and used exclusively for military, defense and national security purposes
- AI systems and models developed and used exclusively for research and development purposes
- AI systems released under free licences and open source AI systems, except if high-risk

# Qualify the AI Act