



# The AI Act

A Brief Overview and Critique

# Outline

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# About Me

- I am NOT a lawyer.

# AI Act: Goals

“The purpose of this Regulation is to improve the functioning of the internal market and promote the uptake of human-centric and trustworthy artificial intelligence (AI), while ensuring a high level of protection of health, safety, fundamental rights enshrined in the Charter, including democracy, the rule of law and environmental protection, against the harmful effects of AI systems in the Union and supporting innovation.”

Regulation (EU) 2024/1689, art. 1

# AI Act: Definition of an AI System

“AI system’ means a machine-based system that is designed to operate with **varying** levels of autonomy and that **may** exhibit adaptiveness after deployment, and 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.”

Regulation (EU) 2024/1689, art. 3

# AI Act Overview

- Focus on the providers and deployers of AI systems for use with-in the EU
- AI classified according to its risk:



Source: [The EU AI Act: National Security Implications | Centre for Emerging Technology and Security](#)

# Unacceptable Risk

- Covers cases:
  - Subliminal manipulation,
  - Exploiting protected vulnerabilities (e.g. age, disability, union membership),
  - Biometric categorization systems of sensitive attributes (except for labelling/filtering datasets),
  - General social scoring (more specific scoring is usually high-risk),
  - Predictive policing based strictly on profiling (using concrete data is high-risk),
  - Inferring emotions in workplaces or educational settings,
  - Special cases of real-time biometric identification
- Prohibited

# High Risk

- Covers cases:
  - Safety components of products
  - Certain uses such as biometric identification, critical infrastructure, admission and classification in education/employment, access to essential services, border control, law enforcement
- Providers of these systems must:
  - Transparently label their system as high-risk,
  - Establish risk & quality management, technical documentation, allow human oversight,
  - Meet several other conformity obligations

# Limited Risk

- Covers case:
  - “AI systems intended to interact directly with natural persons”
- Providers and deployers must:
  - Ensure transparency
- Applies from August 2, 2026



# Minimal Risk

- Implicitly for any AI system not in another category
- No new legal obligations under the AI Act

# General Purpose AI

- Covers cases:
  - “Displays significant generality and is capable of competently performing a wide range of distinct tasks”
  - **Significant risk** GPAI criteria based on FLOPS ( $10^{25}$ ), “high impact”, or general-ness - determined by the commission’s scientific panel
- Providers must:
  - Maintain technical documentation, including a summary of training data
  - “Establish a policy” to respect copyright
  - Additional quality requirements for systemic risk GPAI

# Comments

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- A step towards accountability
- High focus on transparency and right to information
- For high risk or GPAI systems it emphasizes data & model quality
- Focuses on applications with the highest potential for damage

# Comments

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- Does not apply to systems developed or used exclusively for military, national security or defense purposes
- A lot of exceptions for “systems that are permitted by law to detect, prevent, and investigate criminal offences”
- More focused on individual harm rather than societal harm (“market oriented, product safety approach”)
- Largely based on self-assessment

# Conclusion

- They tried, and I appreciate that.

# Some Resources

- [EU Artificial Intelligence Act | Up-to-date developments and analyses of the EU AI Act](#)
- Laux, J., Wachter, S., & Mittelstadt, B. (2024). Trustworthy artificial intelligence and the European Union AI act: On the conflation of trustworthiness and acceptability of risk. *Regulation & Governance*, 18(1), 3-32.
- Smuha, N. A., & Yeung, K. (2024). The European Union's AI Act: beyond motherhood and apple pie?. Available at SSRN 4874852.

