



Recent update: AI Act has been published in the Official Journal of the EU

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The EU AI Act

As part of its digital strategy, the EU aims at providing better conditions for the development and use of innovative technology¹. On that note, the Artificial Intelligence Act (AI Act) was formally published in the Official Journal of the European Union, on June 12, 2024². It is considered the first ever legal framework for AI³. The main purpose of this Regulation is to promote the uptake of human-centric AI and to ensure a high level of protection of health, safety and fundamental rights⁴.

The AI Act regulates “AI systems” which are autonomous, machine-based systems that depending on the input they receive they can generate outputs like predictions or decisions that can influence physical or virtual environments⁵. Along with “AI systems”, “general purpose AI models” (GPAI models) are also regulated and they are models with large amount of data that can perform a wide range of distinct tasks⁶. The AI Act applies, among others, to “providers”, entities that develop or place on the market AI systems or GPAI models and “deployers” which are entities using an AI system, as well as to importers and distributors of AI systems⁷.

This Regulation is following a risk-based approach and AI systems are categorized as posing:

- ❖ **Unacceptable risk.** They are prohibited as they pose a risk to fundamental rights, such as exploiting a person’s vulnerabilities for example due to their age or disability.
- ❖ **High risk.** For this category, strict requirement obligations apply including establishment and implementation of a risk-management system, data governance, technical documentation, record-keeping, human oversight, accuracy, robustness and cybersecurity. AI systems classified as being high risk include those systems intended to be used as safety components in the management and operation of critical infrastructure.
- ❖ **Limited or minimal risk.** Transparency obligations are imposed for AI systems intended to directly interact with natural persons. For example, providers of AI systems generating video content should ensure that the outputs are detectable as artificially generated.

It is noteworthy that personal data which is being processed in connection with the rights and obligations laid down in the AI Act are subject to EU law on the protection of personal data, privacy and the confidentiality of communications⁸.

The Regulation will enter into force 20 days after its publication in the Official Journal of the European Union. It shall apply from 2 August 2026 although for specific provisions the application date differs⁹.

¹ European Parliament, “EU AI Act: first regulation on artificial intelligence”

² Regulation (EU) 2024/1689 of the European Parliament and of the 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 (Artificial Intelligence Act)

³ European Commission, “Proposal for a Regulation laying down harmonised rules on artificial intelligence”

⁴ Regulation (EU) 2024/1689, Article 1

⁵ Ibid, Article 3(1)

⁶ Ibid, Article 3(63)

⁷ Ibid, Articles 2(1), 3(3), 3(4)

⁸ Ibid, Article 2(7)

⁹ Ibid, Article 113

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