

Provisional Political Agreement on Landmark Ai Regulation in Europe

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In a landmark development, EU lawmakers reached on 8 December 2023 a provisional political agreement on the Artificial Intelligence Act (AI Act). Once adopted, this regulation will be the first of its kind, and could set a global standard for AI laws around the world.

Key features of the AI Act include:

1. **Prohibited AI Applications:** The AI Act prohibits AI applications that pose threats to individuals' rights and democracy. This includes biometric categorization to infer sensitive data, untargeted scraping for facial recognition databases, and social scoring systems.
2. **Law Enforcement Exemptions:** The AI Act permits narrow exceptions for law enforcement to use biometric identification systems, subject to strict conditions and judicial authorization.
3. **High-Risk AI Systems:** The AI Act's horizontal layer of protection includes a high-risk classification. AI systems that pose a risk of significant potential harm are subject to stricter obligations, including mandatory fundamental rights impact assessments. Individuals will have a right to launch complaints about AI systems and receive explanations about decisions based on high-risk AI systems that impact their rights.
4. **General AI Systems:** General-purpose AI systems must adhere to transparency requirements, including technical documentation, compliance with EU copyright law, and detailed summaries of training content.
5. **Foundation Models:** Specific rules apply to foundation models, which are subject to with specific transparency obligations before they are placed on the market. A stricter regime was also introduced for 'high impact' foundation models.
6. **Innovation and SME Support:** The AI Act introduces regulatory sandboxes and real-world testing for AI development, with the aim to support SMEs.
7. **Sanctions:** Non-compliance could lead to significant fines – either a percentage of the offending company's global annual turnover or a predetermined amount, whichever is higher.

The AI Act is still subject to additional technical work in the coming weeks, before EU legislators may formally adopt the final text in the coming months.

Kathleen Keating contributed to this article

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