

Artificial Intelligence Act

IRIS 2024-3:1/3

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Following a previous article on the provisional agreement on the Artificial Intelligence Act (AI Act) at interinstitutional level (IRIS 2024-1:1/9), the co-legislative procedure to adopt the Act is ending. On 13 March 2024, the European Members of the Parliament (MEPs) backed the regulation by 523 votes in favour to 46 against and 49 abstentions. The text is now to be adopted by the Council of EU.

The AI Act will enter into force twenty days after its publication in the official journal. As a regulation, the text is directly applicable to the legal order of member states of the European Union, provided the 24 months of implementation period, except for bans on prohibited practises, which will apply six months after the entry into force date; codes of practice (nine months after entry into force); general-purpose AI rules including governance (12 months after entry into force); and obligations for high-risk systems (36 months).

The text lays down harmonised rules on artificial intelligence for the placing on the market, the putting into service and the use of AI systems in the European Union. The text is based on a risk-based approach, imposing obligations on the AI system depending on the risk level.

Transparent measures shall be developed for copyright-protected content when feeding the machines: detailed summaries of the input training the machine must be published, and comply with EU copyright law.

As to the text and data mining exception (TDM), Recital 105 provides that TDM techniques may be used extensively for the retrieval and analysis of content, which may be protected by copyright and related rights. The use of copyrighted content requires the authorisation of the rightsholder. Besides, rightsholders may choose to reserve their rights over their works to prevent TDM. Where the right to opt-out has been expressly reserved in an appropriate manner, providers of general-purpose AI models need to obtain an authorisation from rightsholders if they want to carry out TDM over such works.

The creation of generated/manipulated content (deep fakes) shall be labelled as such.

European Parliament legislative resolution of 13 March 2024 on the proposal for a regulation of the European Parliament and of the Council on laying down harmonised rules on Artificial Intelligence

https://www.europarl.europa.eu/doceo/document/TA-9-2024-0138_EN.html

European Parliament's press release

<https://www.europarl.europa.eu/news/en/press-room/20240308IPR19015/artificial-intelligence-act-meps-adopt-landmark-law>

Statement by Council of Europe's Secretary General on the finalisation of the Convention on AI

<https://www.coe.int/en/web/artificial-intelligence/-/artificial-intelligence-human-rights-democracy-and-the-rule-of-law-framework-convention>

