



AI & Partners

Amsterdam - London - Singapore

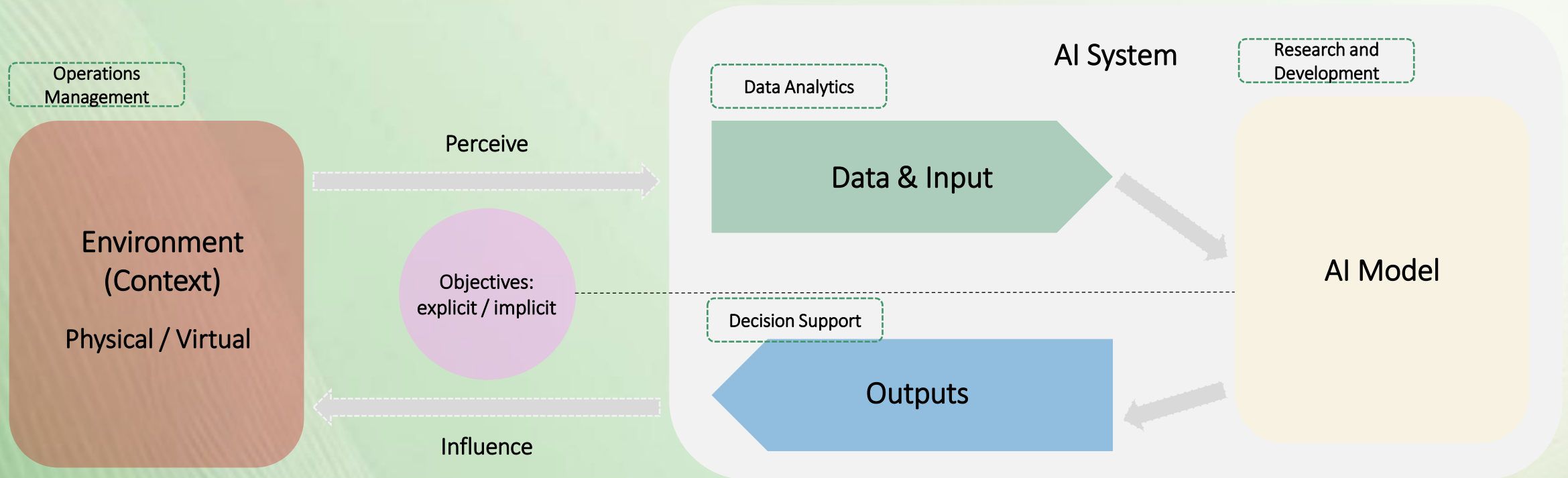
EU AI Act

Removing Prohibited AI Systems From EU Market

What needs to be done?

Deadline: 2 February 2025

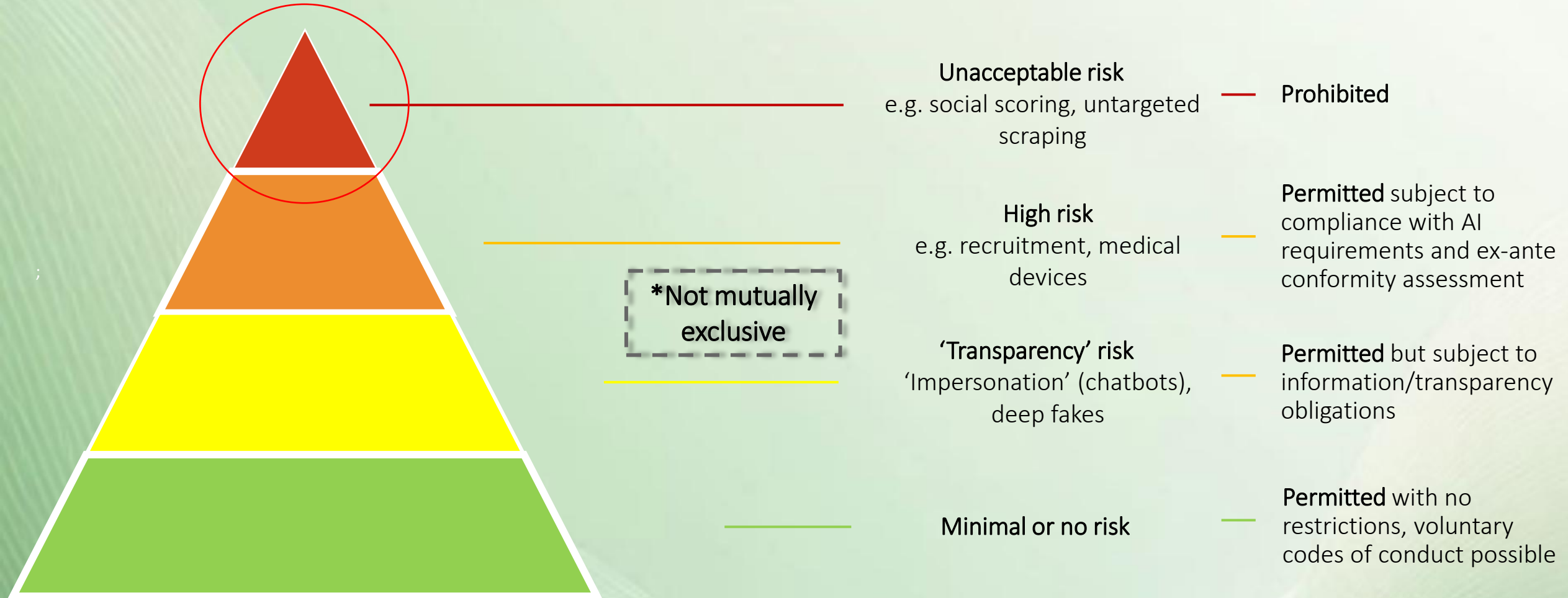
Definition of AI



Legal: *EU AI Act*: Machine-based system 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.

Academic: *Stanford University*: The science and engineering of making intelligent machines.

Risk-based approach to AI regulation



Types of prohibited AI

Article 5(1)(a) of the EU AI Act

AI systems that deploy subliminal techniques beyond a person's consciousness or purposefully manipulative or deceptive techniques. These techniques are designed to materially distort the behaviour of a person or group, impairing their ability to make informed decisions.

Example: An AI-driven advertising platform that uses imperceptible audio cues to influence consumer purchasing decisions without their conscious awareness.



Types of prohibited AI

Article 5(1)(b) of the EU AI Act

AI systems that exploit vulnerabilities of specific groups due to age, disability, or social/economic situations. These systems are designed to materially distort behaviour, leading to significant harm.

Example: An AI-driven lending platform that offers high-interest loans to individuals in extreme poverty, exploiting their financial desperation and lack of alternatives.



Types of prohibited AI

Article 5(1)(c) of the EU AI Act

AI systems used for evaluating or classifying individuals based on social behaviour or personal characteristics over time. These systems assign social scores that lead to detrimental or unfavourable treatment in contexts unrelated to the original data collection.

Example: A social media platform using AI to assign social scores based on user interactions and posts, which are then used by employers to make hiring decisions, leading to potential discrimination.



Types of prohibited AI

Article 5(1)(d) of the EU AI Act

AI systems used for making risk assessments to predict the likelihood of individuals committing criminal offenses. These systems are based solely on profiling or assessing personality traits and characteristics.

Example: A predictive policing system that assesses the likelihood of reoffending based on personality traits and demographic data, resulting in harsher sentencing or parole decisions for certain individuals.

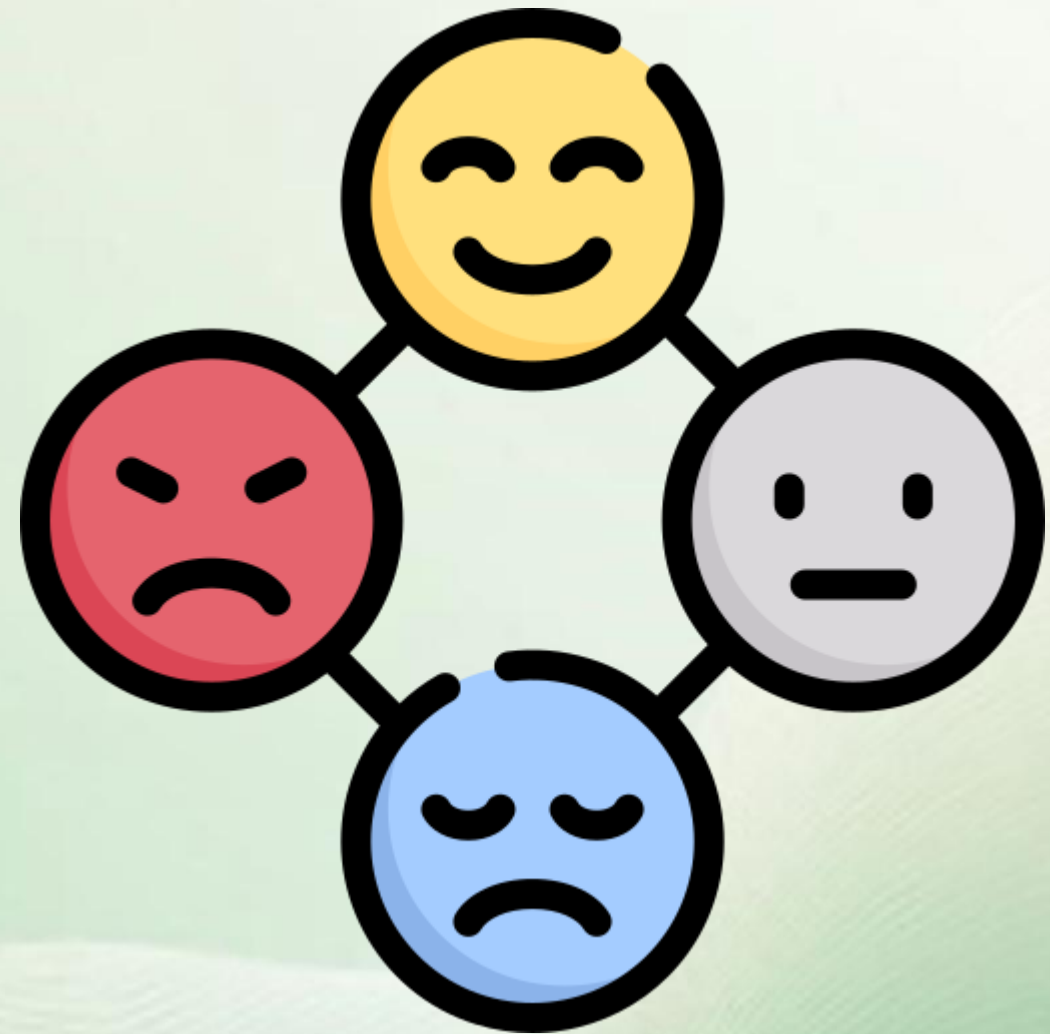


Types of prohibited AI

Article 5(1)(e-g) of the EU AI Act

AI systems that create or expand facial recognition databases through untargeted scraping of images or infer emotions in workplaces and educational institutions. These systems categorize individuals based on biometric data, deducing sensitive attributes like race, or sexual orientation.

Example: An AI system used in a workplace to monitor employees' emotions via facial recognition, leading to biased performance evaluations & discriminatory treatment.



Types of prohibited AI

Article 5(1)(h) of the EU AI Act

Use of real-time remote biometric identification systems in publicly accessible spaces for law enforcement purposes. These systems capture, compare, and identify biometric data instantaneously or near-instantaneously to identify individuals without their active involvement.

Example: Deployment of real-time biometric systems at an airport to prevent an imminent terrorist threat, identifying suspects based on live video feeds.



Phase-out timeline

