

## Who will the EU AI Act apply to?\*

### ALL ACTORS ACROSS THE AI VALUE CHAIN

#### Provider

Natural/legal person, public authority, agency or other body that **develops an AI system or a General-Purpose AI (GPAI) model, or that has it developed and placed on the market/put into service in the EU under its own name or trademark.** This includes Providers:

- located/established in the EU or outside of the EU, and placing on the market/putting into service in the EU an AI system or a GPAI model; and
- located/established outside of the EU, and whose AI systems' output is intended to be used in the EU.

#### Deployer

Natural/legal person, public authority, agency or other body **using an AI system under its authority.** This includes Deployers:

- located/established in the EU; and
- located/established outside of the EU, and whose AI systems' output is intended to be used in the EU.

#### Importer

Natural/legal person, located established in the EU, that **places on the market an AI system that bears the name or trademark of a natural/legal person established outside the EU.**

#### Distributor

Natural/legal person in the supply chain, other than the provider/the importer, that **makes an AI system available on the EU market.**

#### Product Manufacturer

Natural/legal person that **places on the market/puts into service an AI system in the EU together with their product and under its own name or trademark.**

#### Authorized representative

Natural/legal person located/established in the EU, who **represents a provider of an AI system or a GPAI model established outside of the EU.**

#### Notes

- The applicability of the EU AI Act is not solely determined by an organization's location or establishment, but also by the use of an AI system's output within the EU. It may thus **apply to organizations based outside of the EU.**
- The **whole AI value chain** is covered and subject to specific obligations.
- The assessment of the **qualification** (i.e., Provider, Deployer, etc.) must be performed **for each AI system/GPAI model.** The same organization can have **different qualifications depending on the AI system/GPAI model concerned.** Such assessment must be documented.



\* Based on the text published by Council of the EU on 21 May 2024 and subject to the final version to be published at the European Union's Official Journal.



## RISK OF REQUALIFICATION

**Distributor/Importer/Deployer/other third-party will be considered as Provider** if they:

- put their name/trademark on a high-risk AI system already placed on the market/put into service in the EU;
- make a substantial modification to a high-risk AI system, already placed on the market/put into service in the EU, in such a way that it remains a high-risk AI system; or
- modify the intended purpose of an AI system, including a GPAI system, not classified as high-risk and already placed on the market/put into service in the EU, which makes it become a high-risk AI system.

➤ In such cases, the initial Provider will no longer be considered as the Provider of this specific AI system. However, the initial Provider must closely cooperate with and make information available to the new provider(s), except if the initial Provider has clearly specified that its AI system must not be changed into a high-risk AI system.

**In the case of high-risk AI systems that are safety components of products covered by legislations listed under Annex I - Section A, the Product Manufacturer will be considered as a Provider of high-risk AI system** if it:

- places on the market the AI system together with the product under its name or trademark; or
- puts into service the AI system under its name or trademark after the product has been placed on the market.

## Notes

- The **qualification may change over time depending on what is done with the AI system**. It is thus important to regularly review the assessment of the qualification.
- Distributor/Importer/Deployer/other third-party/Manufacturer requalified as Provider will be **subject to the obligations listed under Article 16 of the EU AI Act**.



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## Contact us



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