Steptoe | EU AI Act Decoded

Who will the EU AI Act apply to?*



Provider

Natural/legal person, public authority, agency or other body that develops an Al system or a General-Purpose Al (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 Al system under its authority. This include 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.

Product Manufacturer

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

Distributor

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

Authorized representative

Natural/legal person located/ established in the EU, who represents a provider of an Al 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.

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^{*} 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.

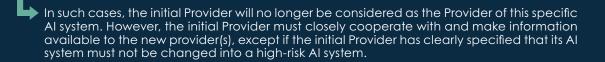
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RISK OF REQUALIFICATION

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

- put their name/trademark on a high-risk Al system already placed on the market/put into service in the EU:
- make a substantial modification to a high-risk Al 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 Al 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:

- 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 Al **system.** It is thus important to regularly review the assessment of the qualification.
- Distributor/Importer/Deployer/other third-party/Manufacturer regualified as Provider will be subject to the obligations listed under Article 16 of the EU AI Act.



Much more to explore!

Follow our EU AI Act Decoded Series as we delve into the intricacies of the EU AI Act.





in https://www.linkedin.com/showcase/ai-data-digital/

Contact us



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