

## What are the rights provided by the AI Act?

For a refresher on the notions of “High-risk AI systems”, “General-Purpose AI (GPAI) models”, “Deployer”, “Market Surveillance Authorities” please consult our previous EU AI Act Decoded issues on “[Classification of AI systems and GPAI Models](#)”, “[Who will the EU AI Act apply to?](#)” and “[Which authorities will be in charge of application and enforcement of the EU AI Act?](#)”.

### Right to explanation of individual decision-making (Art. 86)

- This right is recognized to any affected person who is subject to a decision taken by a Deployer of a High-risk AI system listed in Annex III mainly on the basis of the output of such system, and which decision:
  - o produces **legal effects**, or similarly,
  - o **significantly affects** that person in a way that they consider to have an adverse impact on their health, safety or fundamental rights.
- It entails obtaining from the Deployer:
  - o **clear and meaningful** explanations of the role of the AI system in the decision-making procedure and
  - o the **main elements of the decision taken**, in a way that it serves as a foundation for the affected persons to exercise their rights.
- Affected persons **cannot exercise this right**:
  - o in relation to decisions taken pursuant to the output of high-risk AI systems intended to be used as safety components in the management and operation of critical digital infrastructure, road traffic, or in the supply of water, gas, heating or electricity;
  - o when exceptions from or restrictions to this right follow from EU or national law; and
  - o overall, when it is otherwise provided under EU law.

### Right to lodge a complaint with a Market Surveillance Authority (Art. 86)

- This right entails that **any natural or legal person** that has grounds to consider that the EU AI Act has been infringed can submit complaints to the relevant Market Surveillance Authority.
- Such complaints **will be taken into account by Market Surveillance Authorities** for conducting their market surveillance activities, including investigations, in relation to the EU AI Act.

### Other administrative or judicial remedies (Art. 86)

**Any natural or legal person** whose rights and freedoms are adversely affected by the use of AI systems can pursue other administrative or judicial remedies available under EU or national law.

#### Notes:


- The rights provided by the EU AI Act are limited in comparison to those provided by other EU laws (e.g., GDPR).
- It is important to note that **the right to lodge a complaint is available to both natural and legal persons**. Furthermore, **no specific interest or legal standing appears to be required**, as the EU AI Act only refers to suspicions of non-compliance without mandating the demonstration of any damage to justify the complaint. In practice, **this right could potentially be used by a company against its competitors**.
- Persons acting as **whistleblowers on infringements of the EU AI Act are protected** under the EU Directive 2019/1937 ([Whistleblowing Directive](#)) in relation to the reporting of such infringements.



#### Much more to explore!

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



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