

Obligations for Providers of General-Purpose AI models

For a refresher on the notions of “Provider” and “General-Purpose AI model” (GPAI model), please consult our previous EU AI Act Decoded issues on “[Who will the EU AI Act apply to?](#)” and “[Classification of AI Systems and GPAI Models](#)”

Draft technical documentation of the GPAI model (incl. its training, testing process, and the results of its evaluation) containing, at least, the elements set out in Annex XI

(Art. 53)

- It must be kept up-to-date along the lifecycle of the GPAI model.

⚠ This obligation does not apply to Providers of **GPAI models that are released under a free and open-source license** which allows for the access, usage, modification, and distribution of the model, and whose parameters (incl. the weights; information on the model architecture; information on model usage) are made publicly available, unless the GPAI models present systemic risks.

⚠ Annex XI may be amended or further completed, from time to time, by the European Commission.

Draft and make available information and documentation to downstream Providers that integrate the GPAI model into their AI system

(Art. 53)

- This technical documentation must contain:
 - information enabling downstream Providers to have a good understanding of the capabilities and limitations of the GPAI model and to comply with their own obligations pursuant to the EU AI Act; and
 - at least, the elements set out in Annex XII.

⚠ This obligation does not apply to Providers of **GPAI models that are released under a free and open-source license** which allows for the access, usage, modification, and distribution of the model, and whose parameters (incl. the weights; information on the model architecture; information on model usage) are made publicly available, unless the GPAI models present systemic risks.

⚠ Annex XII may be amended, from time to time, by the European Commission.

Implement a copyrights and related rights policy

(Art. 53)

- This policy must outline the steps taken to comply with EU laws on copyright and related rights, in particular with the reservation of rights pursuant to Article 4 (3) of Directive (EU) 2019/790 (“exception or limitation for text and data mining”).

⚠ This obligation applies irrespective of the jurisdiction in which the copyright-relevant acts underpinning the training of a GPAI model take place, as long as that GPAI model is placed on the EU market.

Draft and make publicly available a detailed summary of the content used for training of the GPAI model

(Art. 53)

- This summary must be generally comprehensive in its scope instead of technically detailed to facilitate parties with legitimate interests (including copyright holders) to exercise and enforce their rights under EU laws (e.g., by listing the main data collections or sets that went into training the model, such as large private or public databases or data archives, and by providing a narrative explanation about other data sources used).

⚠ The template to be used will be issued by the European Commission.

For Providers established outside of the EU, appoint an Authorized Representative established in the EU

(Art. 54)

- The Authorized Representative must be appointed prior to the placing of the GPAI model on the EU market and by written mandate.

⚠ This obligation does not apply to Providers of **GPAI models that are released under a free and open-source license** which allows for the access, usage, modification, and distribution of the model, and whose parameters (incl. the weights; information on the model architecture; information on model usage) are made publicly available, unless the GPAI models present systemic risks.

Additional obligations for Providers of GPAI models with systemic risk

For a refresher on the notions of “GPAI model with systemic risk”, please consult our previous EU AI Act Decoded issue on “[Classification of AI systems and GPAI Models](#)”.

Within two weeks, notify the European Commission when the GPAI model meets or will meet a criterion to be qualified as a GPAI model with systemic risk

(Art. 52)

- A GPAI model will be classified as a GPAI model with systemic risk if it meets either of the following **criteria**:
 - it has **high impact capabilities** => Presumption of high impact capabilities when the cumulative amount of computation used for its training measured in floating point operations is greater than 10^{25} ; or
 - it has **capabilities / impact equivalent to a GPAI model with high impact capabilities** with regards to the criteria set out in Annex XIII.
- ⚠ The European Commission may, from time to time, update these thresholds, or supplement benchmarks and indicators.
- The notification to the European Commission must:
 - be done without delay and in any event **within two weeks** after either criterion is met or it becomes known that it will be met;
 - include the information necessary to demonstrate that the relevant criterion has been met.
- The Provider of a GPAI model that meets the criterion related to high impact capabilities may present, with its notification, sufficiently substantiated arguments to demonstrate that although it meets this criterion, the GPAI model does not present, due to its specific characteristics, systemic risks and should therefore not be classified as such.
- ⚠ The Commission can designate a GPAI model as a GPAI model with systemic risk even if it has not received a notification.
- ⚠ The list of GPAI models considered as GPAI models with systemic risks will be published by the European Commission.

Perform GPAI model evaluations in order to identify and mitigate systemic risks

(Art. 55)

- These model evaluations must be performed in accordance with standardized protocols and tools reflecting the state of the art.
- It must notably comprise conducting and documenting adversarial testing of the GPAI model in order to identify and mitigate systemic risks.
- It must notably be performed prior to its first placing on the market.
- It can be achieved through internal or independent external testing

Continuously assess possible systemic risks at EU level and implement mitigation measures

(Art. 55)

- The assessment of the possible systemic risks (incl. their sources) and the definition of the mitigation measures must cover the GPAI model's entire lifecycle.
- This may be achieved by implementing risk-management policies (e.g., accountability and governance processes), post-market monitoring, appropriate measures along the entire model's lifecycle, and cooperating with relevant actors along the AI value chain.

Keep track, document, and report serious incidents to competent authorities

(Art. 55)

- Serious incident (= an incident / malfunctioning of a GPAI model that directly / indirectly leads to the death of an individual or serious harm to his/her health; a serious and irreversible disruption of the management or operation of critical infrastructure; the infringement of obligations under EU law intended to protect fundamental rights; or serious harm to property or the environment) must be kept track of, documented, and reported, without undue delay, to the AI Office and, as appropriate, to national competent authorities.
- The report to the AI Office and other competent authorities must include relevant information about the serious incidents and the corrective measures to address them.

Additional obligations for Providers of GPAI models with systemic risk

Implement cybersecurity measures to protect the model and its physical infrastructure

(Art. 55)

- These measures should notably address potential accidental model leakage, unauthorized releases, circumvention of safety measures, and defence against cyberattacks, unauthorized access, or model theft.
- These measures may include operational security measures for information security, specific cybersecurity policies, adequate technical and established solutions, and cyber and physical access controls.



Deadline to comply with these obligations:

August
2
2025

Entry into
application of
these obligations

August
2
2026

Entry into application of enforcement
measures

Notes:


- The abovementioned obligations should apply **once the GPAI model is placed on the market**.
- When the Provider of a GPAI model **integrates its own model into its own AI system** that is made available on the market / put into service, the obligation for GPAI models will continue to apply **in addition to those for AI systems**.
- Compliance with all of the above obligations must be **documented**.
- Providers of GPAI models, including GPAI models with systemic risk, may rely on **codes of practice** to demonstrate compliance with their obligations. The European Commission will launch the drafting of the first code of practice for GPAI models (including GPAI models with systemic risk) on September 30, 2024 and is aiming to have it ready **by April 2025**.
- If existing, Providers may also rely on **harmonized standards** or **common specifications** to demonstrate conformity.
- Providers bear an **obligation of cooperation** with competent authorities, which notably entails the obligation to provide all the information and documentation necessary to demonstrate compliance.
- Providers must **closely monitor regulatory developments** including any templates to be issued by the European Commission / AI Office.
- It is worth noting that **enforcement measures for GPAI models will become applicable one year after the deadline for compliance with the obligations**.



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