

Scope of EU Artificial Intelligence Act (AI Act) for non-EEA Companies

Please specify for the specific case:

Material scope:¹

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AI Act Article:

Company:

AIS:

Is an artificial intelligence system (AIS) involved in the business activities of the company?
"AIS" refers to a machine-based system designed to operate with varying levels of autonomy, 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.

Yes

No

Is a general-purpose artificial intelligence model (GPAIM) involved in the business activities of the company?
"GPAIM" refers to an AI model, including where such an AI model is trained with a large amount of data using self-supervision at scale, that displays significant generality and is capable of competently performing a wide range of distinct tasks regardless of the way the model is placed on the market and that can be integrated into a variety of downstream systems or applications, except AI models that are used for research, development or prototyping activities before they are released on the market.

3(63)

GPAIM:

Personal scope:

If there is an AIS, is the company a deployer?

"Deployer" refers to a natural or legal person, public authority, agency or other body using an AIS under its authority, except where the AIS is used in the course of a personal non-professional activity.

Yes

No

3(4)

If there is an AIS, is the company a provider?²

- "Provider" refers to a natural or legal person, public authority, agency or other body that develops an AIS or a GPAIM or that has an AIS or a GPAIM developed and places it on the market or puts the AIS into service under its own name or trademark, whether for payment or free of charge.
- "Placing it on the market" refers to the first making available of an AIS or a GPAIM on the EEA market.
- "Putting into service" refers to the supply of an AIS for first use directly to the deployer or for own use in the EEA for its intended purpose.

If there is an GPAIM, is the company a provider?
(For the definition of a provider, see left.)

3(3)

3(9,10)

3(11)

Territorial scope:

If there is a deployer of an AIS, is the output produced by the AIS used in the EEA?

Yes

No

2(1)(b,c)

EEA countries:

If there is a provider of AIS, does the provider place the AIS on the market in the EEA or put it into service in the EEA [or is the output produced by the AIS used in the EEA³]?

Yes

No

2(1)(a,c)

EEA countries:

If there is a provider of a GPAIM, does the provider place the GPAIM on the market in the EEA?

Yes

No

2(1)(a)

EEA countries:

AI Act applies⁴ 

AI Act not applicable

¹ The AI Act provides for exemptions for AI used for military purposes, scientific research, prototypes, purely personal non-professional activities as well as AI used by public authorities of a third country and open source AIS (article 2(3), (4), (6), (8), (10), (12) AI Act).

² A provider is also a person who behaves as such (cf. article 25(1)(a)-(c), consideration 84(2) AI Act).

³ It is unclear whether a company can be subject to the AI Act as a provider if an AIS is not placed on the market or put into service in the EEA and only the output of the AIS is used in the EEA (cf. article 3(3) AI Act).

⁴ Certain obligations under the AI Act do not apply to micro or small enterprises (cf. articles 11(1)(2)(2), 34(2)(1), 63 AI Act).