

## New European AI Act to regulate AI

New legislation regulating artificial intelligence (“AI”) systems has been approved in the European Union. The new European AI Act (Regulation (EU) 2024/1689) was signed in Brussels on 13<sup>th</sup> June 2024 with the stated aim of promoting trustworthy AI in Europe, while protecting fundamental rights against the potentially harmful effects of AI systems. It also aims to support related innovation, including by ensuring legal clarity. This is the first comprehensive legal framework on AI worldwide.

### Scope

The AI Act sets out harmonised rules on artificial intelligence in Europe to provide for:

- (a) rules for the placing on the market, the putting into service, and the use of AI systems;
- (b) prohibitions of certain AI practices;
- (c) specific requirements for high-risk AI systems and obligations for operators of such systems;
- (d) transparency rules;
- (e) rules for general-purpose AI models;
- (f) rules on market monitoring, market surveillance, governance and enforcement; and
- (g) measures to support innovation, with a particular focus on SMEs, including start-ups.

### Prohibitions

Certain AI practices shall be prohibited under the AI Act including:

- the deployment of subliminal techniques beyond a person’s consciousness or purposefully manipulative or deceptive techniques, with the objective, or the effect, of materially distorting behaviour and appreciably impairing their ability to make an informed decision,
- the exploitation of the vulnerabilities of a natural person or a specific group of persons due to their age, disability or a specific social or economic situation, with

the objective, or the effect, of materially distorting behaviour;

- AI systems for the evaluation or classification of persons based on their social behaviour or known, inferred or predicted characteristics;
- making risk assessments to assess or predict the risk of criminal offences, based solely on profiling or on assessing personality traits and characteristics;
- use of AI to infer emotions of people in workplaces and educational institutions;
- certain biometric categorisation systems;
- AI systems that create or expand general facial recognition databases; and
- general use of remote biometric identification systems in publicly accessible spaces for law enforcement.

### Timing

The AI Act will apply in general from August 2026. However, certain provisions will apply from February 2025 and August 2025 respectively.

### How Clerkin Lynch Can Help

Clerkin Lynch’s regulatory services team can assist with compliance with data protection legislation including the new AI Law.

Reach out to the contact details below for more information.



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