



## EUROPEAN COMMISSION GUIDELINES ON PROHIBITED ARTIFICIAL INTELLIGENCE PRACTICES

**T**he Artificial Intelligence Regulation (hereafter, Regulation) is the first legal framework on Artificial Intelligence (hereafter, AI), which addresses the risks of AI and positions Europe to play a leading role worldwide.

### OBJECTIVES

The Regulation establishes a clear set of risk-based rules for AI developers and deployers with regard to specific uses of AI.

According to the Commission's press release, the AI Act aims to promote innovation while guaranteeing high levels of health, safety and protection of fundamental rights.

For this reason, the Commission felt the need to publish certain guidelines, which aim to provide an overview of AI practices considered unacceptable due to their potential risks to European values and fundamental rights.

The Regulation categorises AI systems into different risk categories:

- prohibited systems
- high-risk systems, and
- systems subject to transparency obligations.

The guidelines specifically address practices such as harmful manipulation, social categorisation and real-time remote biometric identification, among others.

Although they offer valuable information on the interpretation of the prohibitions and limits applicable by the Commission, these guidelines are not binding.

Any authoritative interpretation of the AI Act can ultimately only be given by the Court of Justice of the European Union.

The guidelines provide legal explanations and practical examples to help interested parties understand and fulfil the requirements of the Regulation.

Under Article 96(1)(b) of the AI Act, the Commission must adopt guidelines on the application of practices prohibited under Article 5.

These bans began to apply six months after the IA Law came into force, i.e. from 2nd February 2025.

The application of Article 5 of the AI Law requires a case-by-case assessment, which takes due account of the specific situation involved in an individual case.

Therefore, the examples given in these guidelines are merely indicative and do not prejudice the need for such an assessment on a case-by-case basis.

These guidelines on prohibited AI practices are designed to ensure the consistent, effective and uniform application of the Regulation throughout the European Union.

## **ARE COMPANIES PREPARED TO IMPLEMENT THESE MEASURES?**

Companies that have not yet begun this transition are in non-compliance and run the risk of being subject to inspection procedures.

For this reason, it is essential that businesses involved in the production, implementation and/or use of AI systems adopt compliance mechanisms to mitigate regulatory, sanctioning, operational, financial and reputational risks, thus guaranteeing brand integrity.

From 2nd May 2025, it will be mandatory for companies to have codes of conduct for the responsible use of AI.

It is essential to immediately implement compliance and governance programmes appropriate to the use of AI and the sector in which each company operates.

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