



Universität
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AI Regulation – A Critical Comment

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2024/1689

12.7.2024

REGULATION (EU) 2024/1689 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 13 June 2024

laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act)

(Text with EEA relevance)

- **Regulating AI as a Technology**
- **Prohibited AI Practices**
- **Regulating High-Risk AI Systems**
- **Transparency Obligations**
- **An Alternative Approach**

Definition in Proposal of the European Commission of 21 April 2021

Article 3 *Definitions*

For the purpose of this Regulation, the following definitions apply:

- (1) ‘artificial intelligence system’ (AI system) means software that is developed with one or more of the techniques and approaches listed in Annex I and can, for a given set of human-defined objectives, generate outputs such as content, predictions, recommendations, or decisions influencing the environments they interact with;

ANNEX I **ARTIFICIAL INTELLIGENCE TECHNIQUES AND APPROACHES** **referred to in Article 3, point 1**

- (a) Machine learning approaches, including supervised, unsupervised and reinforcement learning, using a wide variety of methods including deep learning;
- (b) Logic- and knowledge-based approaches, including knowledge representation, inductive (logic) programming, knowledge bases, inference and deductive engines, (symbolic) reasoning and expert systems;
- (c) Statistical approaches, Bayesian estimation, search and optimization methods.

Definition in Proposal of Council of European Union of 15 July 2022

Article 3 *Definitions*

For the purpose of this Regulation, the following definitions apply:

~~(1) ‘artificial intelligence system’ (AI system) means software that is developed with one or more of the techniques and approaches listed in Annex I and can, for a given set of human-defined objectives, generate outputs such as content, predictions, recommendations, or decisions influencing the environments they interact with;~~

‘artificial intelligence system’ (AI system) means a system that is designed to operate with a certain level of autonomy and that, based on machine and/or human-provided data and inputs, infers how to achieve a given set of human-defined objectives using machine learning and/or logic- and knowledge based approaches, and produces system-generated outputs such as content (generative AI systems), predictions, recommendations or decisions , influencing the environments with which the AI system interacts;

Definition in Proposal of EU Parliament of 16 May 2023

Article 3 *Definitions*

For the purpose of this Regulation, the following definitions apply:

- (1) ‘artificial intelligence system’ (AI system) means *a machine-based system that is designed to operate with varying levels of autonomy and that can, for explicit or implicit objectives, generate outputs such as predictions, recommendations, or decisions that influence physical or virtual environments.*

Definition in AI Act of 13 June 2024

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'AI system' means a machine-based system that is designed to operate with varying levels of autonomy and 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;

Definition in Commission Guidelines to AI Act of 6 February 2025

ANNEX

to the

Communication to the Commission

**Approval of the content of the draft Communication from the Commission -
Commission Guidelines on the definition of an artificial intelligence system
established by Regulation (EU) 2024/1689 (AI Act)**

A Better Approach

DIRECTIVE 2009/24/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 23 April 2009

on the legal protection of computer programs

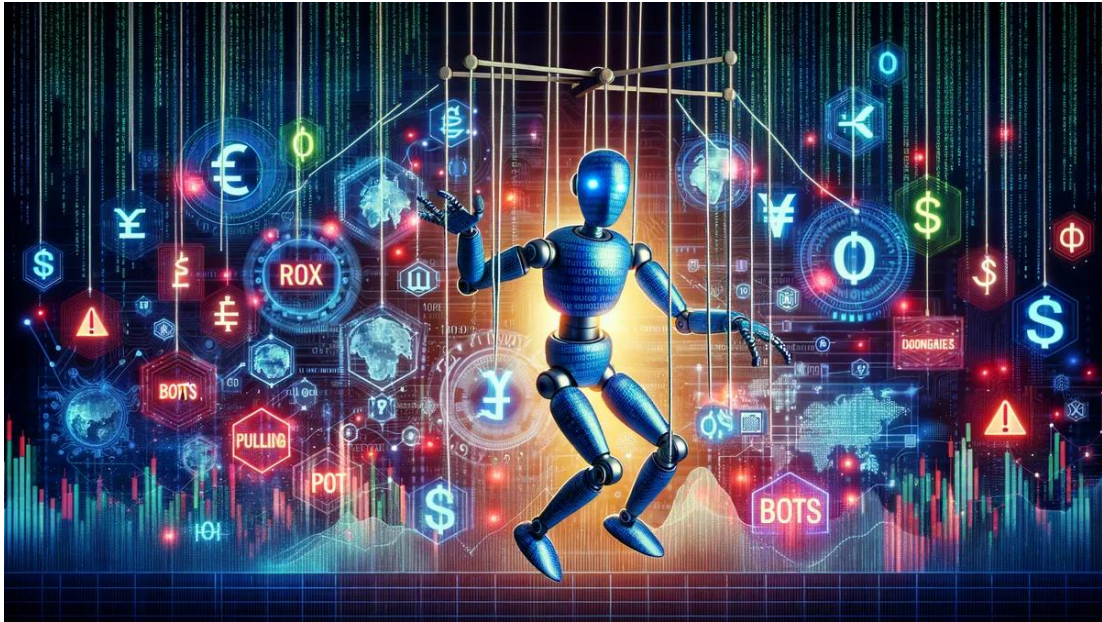
(Codified version)

Article 1

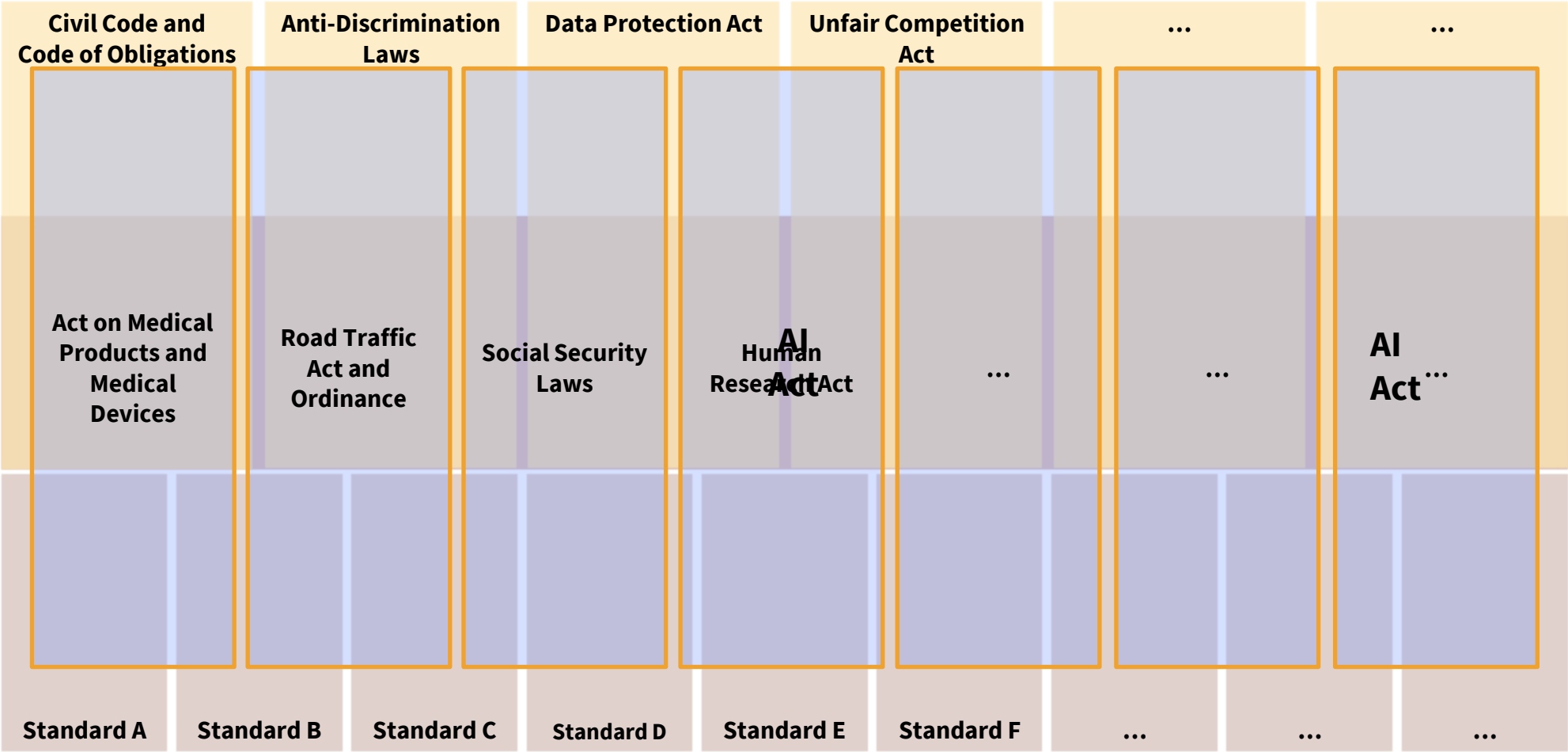
Object of protection

1. In accordance with the provisions of this Directive, Member States shall protect computer programs, by copyright, as literary works within the meaning of the Berne Convention for the Protection of Literary and Artistic Works. For the purposes of this Directive, the term 'computer programs' shall include their preparatory design material.

Prohibited AI Practices



Regulating High-Risk AI-Systems



Regulating High-Risk AI-Systems

Table 1: Overview of EU Legislations in the Digital Sector

[illegible]

Transparency Obligations





An Alternative Approach



University of
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Digital Society Initiative

Position Paper

A Legal Framework for Artificial Intelligence

The great technical advances in **artificial intelligence (AI)** and the use of these technologies in various areas raise fundamental questions about their impact on individuals and society. The term artificial intelligence sometimes evokes misleading associations and diffuse fears. From a technical perspective, it is an established collective term that encompasses a **range of technologies** that make automated decisions, recommendations, conclusions or predictions. AI includes knowledge-based systems, statistical methods and machine learning approaches (e.g., using neural networks). The high performance of these technologies is mainly based on the combination of a large number of mathematical optimizations that extract structures from significant amounts of data using large computing capacities.

To avoid misleading associations, we do not use the term AI in this position paper but rather speak of “**algorithmic systems**”. This term does not refer to specific

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This position paper was developed during a workshop held in Balsthal from 26 – 28 August 2021 and funded by the Strategy Lab of the Digital Society Initiative (DSI) at the University of Zurich. In addition to the authors of this paper, three representatives of the federal administration also participated in this workshop, namely Monique Cossali Sauvain (FOJ), Roger Dubach (FDFA) and Thomas Schneider (OFCOM). They represent Switzerland in the Council of Europe Ad Hoc Committee on Artificial Intelligence (CAHAI).

Further information: dsi.uzh.ch/strategy-lab

➤ Developments

- Report of Interdepartmental Working Group (2019)
- DSI Position Paper (2021)
- White Papers ITSL / ePIAF (2024)
- Report of Federal Council (2025)

➤ Key Points

- Technology-neutral regulation
- Focus on harms
- Combination of generally applicable (“horizontal”) and sector-specific (“vertical”) rules

An Alternative Approach



Further Information



WHITE PAPER Transparenz durch öffentliches Verzeichnis

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Liliane Obrecht
Juni 2024



WHITE PAPER Transparenz durch Begründung von Verfügungen

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WHITE PAPER Datenschutz

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WHITE PAPER Diskriminierung

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WHITE PAPER Manipulation

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