

AB YAPAY ZEKA TÜZÜĞÜ HAKKINDA BİLGİLENDİRME NOTU

Avrupa Komisyonu tarafından 21 Nisan 2021 tarihinde sunulan ve Yapay Zeka (YZ) sistemlerinin piyasaya arzı, hizmete sunulması ve bazı uygulamaların yasaklanmasına dair kuralları belirleyen “Yapay Zeka Hakkında Uyumlaştırılmış Kurallar Getiren ve Bazı Birlik Yasama Tasarruflarını Değiştiren (AB) 2024/1689 sayılı Tüzük”, 12 Temmuz 2024 tarihinde AB Resmi Gazetesi’nde yayımlanmıştır. Tüzük, 1 Ağustos 2024 tarihinde yürürlüğe girecektir.

AB’nin bu düzenlemesi bir yandan iç pazarın işleyişinin geliştirilmesini, diğer yandan insan odaklı ve güvenilir YZ teknolojilerinin benimsenmesini teşvik etmeyi hedeflemektedir. AB böylece yenilikçiliği desteklerken, YZ sistemlerinin olası zararlı etkilerine karşı sağlığın, güvenliğin, çevrenin yanı sıra demokrasi ve hukukun üstünlüğü dâhil temel hakların korunmasını amaçlamaktadır.

Tüzüğün indekslere ayrılmış halini bir sonraki sayfada bulabilirsiniz.

İlgili tüzüğe erişmek için:

https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L_202401689#d1e1907-1-1

EU Artificial Intelligence Act (2024/1689)

- Chapter 1 General Provisions

- Article 1 - Subject Matter
- Article 2 - Scope
- Article 3 - Definitions
- Article 4 - AI Literacy

-Chapter 2 Prohibited AI Practices

- Article 5 - Prohibited AI Practices

-Chapter 3 High Risk AI Systems

Section 1 - Classification of AI Systems

- Article 6 - Classification rules for high-risk AI systems
- Article 7 - Amendments to Annex III

Section 2 - Requirements for high-risk AI systems

- Article 8 - Compliance with the requirements
- Article 9 - Risk management system
- Article 10 - Data and data governance
- Article 11 - Technical documentation
- Article 12 - Record-keeping
- Article 13 - Transparency and provision of information to deployers
- Article 14 - Human oversight
- Article 15 - Accuracy, robustness and cybersecurity

Section 3- Obligations of providers and deployers of high-risk AI systems and other parties

- Article 16 - Obligations of providers of high-risk AI systems
- Article 17 - Quality management system
- Article 18 - Documentation keeping
- Article 19 - Automatically generated logs
- Article 20 - Corrective actions and duty of information
- Article 21 - Cooperation with competent authorities
- Article 22 - Authorised representatives of providers of high-risk AI systems
- Article 23 - Obligations of importers

- Article 24 - Obligations of distributors
- Article 25 - Responsibilities along the AI value chain
- Article 26 - Obligations of deployers of high-risk AI systems
- Article 27 - Fundamental rights impact assessment for high-risk AI systems

Section 4 - Notifying authorities and notified bodies

- Article 28 - Notifying authorities
- Article 29 - Application of a conformity assessment body for notification
- Article 30 - Notification procedure
- Article 31 - Requirements relating to notified bodies
- Article 32 - Presumption of conformity with requirements relating to notified bodies
- Article 33 - Subsidiaries of notified bodies and subcontracting
- Article 34 - Operational obligations of notified bodies
- Article 35 - Identification numbers and lists of notified bodies
- Article 36 - Changes to notifications
- Article 37 - Challenge to the competence of notified bodies
- Article 38 - Coordination of notified bodies
- Article 39 - Conformity assessment bodies of third countries

Section 5 - Standards, conformity assessment, certificates, registration

- Article 40 - Harmonised standards and standardisation deliverables
- Article 41 - Common specifications
- Article 42 - Presumption of conformity with certain requirements
- Article 43 - Conformity assessment
- Article 44 - Certificates
- Article 45 - Information obligations of notified bodies
- Article 46 - Derogation from conformity assessment procedure
- Article 47 - EU declaration of conformity
- Article 48 - CE marking
- Article 49 - Registration

-Chapter 4 Transparency Obligations for Providers and Deployers of Certain AI Systems

- Article 50 - Transparency obligations for providers and deployers of certain AI systems

-Chapter 5 General Purpose AI Models

Section 1 - Classification Rules

- Article 51 - Classification of general-purpose AI models as general-purpose AI models with systemic risk
- Article 52 - Procedure

Section 2 - Obligations for providers of general-purpose AI models

- Article 53 - Obligations for providers of general-purpose AI models
- Article 54 - Authorised representatives of providers of general-purpose AI models

Section 3 - Obligations of providers of general-purpose AI models with systemic risk

- Article 55 - Obligations of providers of general-purpose AI models with systemic risk

Section 4 - Codes of practice

- Article 56 - Codes of practice

-Chapter 6 Measures in Support of Innovation

- Article 57 - AI regulatory sandboxes
- Article 58 - Detailed arrangements for, and functioning of, AI regulatory sandboxes
- Article 59 - Further processing of personal data for developing certain AI systems in the public interest in the AI regulatory sandbox
- Article 60 - Testing of high-risk AI systems in real world conditions outside AI regulatory sandboxes
- Article 61 - Informed consent to participate in testing in real world conditions outside AI regulatory sandboxes
- Article 62 - Measures for providers and deployers, in particular SMEs, including start-ups
- Article 63 - Derogations for specific operators

-Chapter 7 Governance

Section 1 - Governance at Union Level

- Article 64 - AI Office
- Article 65 - Establishment and structure of the European Artificial Intelligence Board
- Article 66 - Tasks of the Board
- Article 67 - Advisory forum
- Article 68 - Scientific panel of independent experts
- Article 69 - Access to the pool of experts by the Member States

Section 2 - National competent authorities

- Article 70 - Designation of national competent authorities and single points of contact

-Chapter 8 EU Database for High-Risk AI Systems

- Article 71 - EU database for high-risk AI systems listed in Annex III

-Chapter 9 Post-Market Monitoring, Information Sharing and Market Surveillance

Section 1 - Post-market Monitoring

- Article 72 - Post-market monitoring by providers and post-market monitoring plan for high-risk AI systems

Section 2 - Sharing of information on serious incidents

- Article 73 - Reporting of serious incidents

Section 3 - Enforcement

- Article 74 - Market surveillance and control of AI systems in the Union market
- Article 75 - Mutual assistance, market surveillance and control of general-purpose AI systems
- Article 76 - Supervision of testing in real world conditions by market surveillance authorities
- Article 77 - Powers of authorities protecting fundamental rights
- Article 78 - Confidentiality
- Article 79 - Procedure at national level for dealing with AI systems presenting a risk

- Article 80 - Procedure for dealing with AI systems classified by the provider as non-high-risk in application of Annex III
- Article 81 - Union safeguard procedure
- Article 82 - Compliant AI systems which present a risk
- Article 83 - Formal non-compliance
- Article 84 - Union AI testing support structures

Section 4 - Remedies

- Article 85 - Right to lodge a complaint with a market surveillance authority
- Article 86 - Right to explanation of individual decision-making
- Article 87 - Reporting of infringements and protection of reporting persons

Section 5 - Supervision, investigation, enforcement and monitoring in respect of providers of general-purpose AI models

- Article 88 - Enforcement of the obligations of providers of general-purpose AI models
- Article 89 - Monitoring actions
- Article 90 - Alerts of systemic risks by the scientific panel
- Article 91 - Power to request documentation and information
- Article 92 - Power to conduct evaluations
- Article 93 - Power to request measures
- Article 94 - Procedural rights of economic operators of the general-purpose AI model

-Chapter 10 Codes of Conduct and Guidelines

- Article 95 - Codes of conduct for voluntary application of specific requirements
- Article 96 - Guidelines from the Commission on the implementation of this Regulation

-Chapter 11 Delegation of Power and Committee Procedure

- Article 97 - Exercise of the delegation
- Article 98 - Committee procedure

-Chapter 12 Penalties

- Article 99 - Penalties

- Article 100 - Administrative fines on Union institutions, bodies, offices and agencies
- Article 101 - Fines for providers of general-purpose AI models

-Chapter 13 Final Provisions

- Article 102 - Amendment to Regulation (EC) No 300/2008
- Article 103 - Amendment to Regulation (EU) No 167/2013
- Article 104 - Amendment to Regulation (EU) No 168/2013
- Article 105 - Amendment to Directive 2014/90/EU
- Article 106 - Amendment to Directive (EU) 2016/797
- Article 107 - Amendment to Regulation (EU) 2018/858
- Article 108 - Amendments to Regulation (EU) 2018/1139
- Article 109 - Amendment to Regulation (EU) 2019/2144
- Article 110 - Amendment to Directive (EU) 2020/1828
- Article 111- AI systems already placed on the market or put into service and general-purpose AI models already placed on the market
- Article 112 - Evaluation and review
- Article 113 - Entry into force and application

ANNEX

- ANNEX 1 - List of Union harmonisation legislation
- ANNEX 2 - List of criminal offences referred to in Article 5(1), first subparagraph, point (h)(iii)
- ANNEX 3 - High-risk AI systems referred to in Article 6(2)
- ANNEX 4 - Technical documentation referred to in Article 11(1)
- ANNEX 5 - EU declaration of conformity
- ANNEX 6 - Conformity assessment procedure based on internal control
- ANNEX 7 - Conformity based on an assessment of the quality management system and an assessment of the technical documentation
- ANNEX 8 - Information to be submitted upon the registration of high-risk AI systems in accordance with Article 49

- ANNEX 9 - Information to be submitted upon the registration of high-risk AI systems listed in Annex III in relation to testing in real world conditions in accordance with Article 60
- ANNEX 10 - Union legislative acts on large-scale IT systems in the area of Freedom, Security and Justice
- ANNEX 11 - Technical documentation referred to in Article 53(1), point (a) — technical documentation for providers of general-purpose AI models
- ANNEX 12 - Transparency information referred to in Article 53(1), point (b) — technical documentation for providers of general-purpose AI models to downstream providers that integrate the model into their AI system
- ANNEX 13 - Criteria for the designation of general-purpose AI models with systemic risk referred to in Article 51

Bilgilerinize sunarız.

Saygılarımızla,

Koyuncuoğlu & Köksal Avukatlık Bürosu

*Çalışmamızda yer verilen açıklamalar, Türkiye Cumhuriyeti'nin yürürlükte olan mevzuatı ve ilgili resmi mercilerin kamuya yaptığı bilgilendirmeler esas alınarak hazırlanmış olup, tereddütlü hususlarda nihai işlemler gerçekleştirilmeden evvel tarafımızdan görüş ve destek alınmasını tavsiye ederiz. Aksi takdirde, burada yer verilen açıklamalar temel alınarak yapılacak işlemler ve bunların sonuçlarıyla ilgili olarak Avukatlık Büromuz sorumlu tutulamaz.