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INFORMATIVE NOTE

TECHNOLOGY, MEDIA AND TELECOMMUNICATIONS

Transparent AI Systems

European Commission Public Consultation

Background

[Regulation (EU) 2024/1689](#), adopted by the European Parliament and the Council on 13 June 2024 (**Artificial Intelligence Act – AI Act**), establishes a harmonised framework for the use of artificial intelligence (**AI**) in the European Union (**EU**).

The AI Act ensures the reliability of AI systems by implementing various obligations. In particular, Article 50 of the AI Act, on transparency obligations, stipulates the need for:

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○ **Transparency in interaction with AI**: AI system providers must clearly inform individuals when they are interacting with an AI system, unless this would be obvious to a reasonably well-informed, observant and circumspect person.

○ **Labelling of synthetic content**: Providers of AI systems that generate synthetic audio, image, video or text content must ensure that the results of the AI system are marked in a machine-readable format that makes it clear they have been artificially generated or manipulated.

○ **Information on emotion recognition and biometrics**: Those responsible for implementing emotion recognition or biometric categorisation systems must inform the individuals concerned and process the data in accordance with EU data protection legislation.

○ **Disclosure of manipulated or falsified content**: Those responsible for implementing an AI system that generates or manipulates image or audio content must disclose that the content has been artificially generated or manipulated.

These transparency obligations will come into force on 2 August 2026.

Pedro Lomba
Maria Francisca Pereira

Technology, Media and Telecommunications team

Transformative Legal Experts
www.plmj.com

Consultation on transparency requirements for certain AI systems

On 4 September 2025, the European Commission launched a public consultation to gather input in support of the development of guidelines on transparent AI systems.

This consultation is open to various stakeholders, including providers and deployers of interactive and generative AI models and systems, providers and deployers of biometric categorisation and emotion recognition systems, and public and private sector organisations that use such systems. It is also open to academic and research institutions, civil society organisations, governments, supervisory authorities and the general public.

Interested parties may **submit their contributions until 2 October 2025**.

Alongside the Public Consultation, the European Commission has also launched a call for expressions of interest to enable interested parties to participate in the process of drafting the first Code of Practice on Transparent Generative AI Systems.

Structure of the Public Consultation

The Public Consultation consists of an online questionnaire, which is structured in five sections with several questions:

SECTION	QUESTIONS
Section 1 **[Article 50(1) of the AI Act]**	o Provide practical examples of AI systems that directly interact with natural persons, as well as examples for which there is doubt and you would seek clarification or consider out of the scope of the AI Act. o Provide practical examples of AI systems that directly interact with natural persons and that can be authorised by law to detect, prevent, investigate or prosecute criminal offences. o Provide examples of notification techniques that can be employed with interactive AI systems, including those embedded in their design, to duly inform natural persons that they are interacting with an AI system. o Indicate other aspects related to the scope or practical implementation of the transparency obligation under Article 50(1) for which you would seek further clarification.

The public consultation was launched to gather input in support of the development of guidelines on transparent AI systems.

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Section 2 [Article 50(2) of the AI Act]	o Provide practical examples of AI systems that generate synthetic text, audio, image or video content, as well as examples of systems for which there is doubt and you would seek clarification or consider them out of the scope of the AI Act.
	o Provide examples of marking and detection solutions, including combinations of techniques, that can be employed to mark in machine-readable format AI-generated or manipulated content.
	o For each solution referred to in the previous question, clarify whether there is relevant information available to assess its effectiveness, interoperability, robustness and reliability.
	o Indicate any technical standards or ongoing standardisation activities relevant to compliance with the obligation under Article 50(2) of the AI Act in the context of generative AI systems.
	o Indicate other aspects related to the scope or practical implementation of the transparency requirement for generative AI systems under Article 50(2) for which you would seek clarification.
Section 3 [Article 50(3) of the AI Act]	o Provide practical examples of AI systems that may be considered emotion recognition and biometric categorisation systems.
	o Provide examples of transparency measures that can be employed with such systems in order to duly inform exposed natural persons about their operation.
	o Indicate other aspects related to the scope or practical implementation of the transparency requirement for emotion recognition and biometric categorisation systems for which you would seek clarification.
Section 4 [Article 50(4) of the AI Act]	o Provide practical examples of generative AI systems that produce 'deep fake' image, audio or video content that resembles existing persons, objects, places, entities or events and would falsely appear as authentic or truthful.
	o Provide practical examples of AI-generated or manipulated content for which you would seek clarification regarding its classification as a 'deep fake'.
	o Provide examples of generative AI systems producing deep fakes and that can be authorised by law to detect, prevent or investigate criminal offences, indicating the legal basis for their use.
	o Provide examples of disclosure practices that can be employed with deep fake content to duly disclose the artificial origin of such content.
	o Provide practical examples of AI systems generating or manipulating text published with the purpose of informing the public on matters of public interest, including by providing examples of such publications.
	o Provide examples of AI-generated or manipulated textual content for which you would seek clarification regarding whether or not such content is published with the purpose of informing the public about matters of public interest, or whether or not such content has undergone human review or editorial control.
	o Provide examples of disclosure practices for AI-generated or manipulated texts published with the purpose of informing the public on matters of public interest that duly disclose the artificially generated or manipulated origin of the publication to the persons exposed to it.
	o Provide other aspects related to the scope or practical implementation of the transparency requirement for deployers of AI systems that generate deep fakes and text publications on matters of public interest under Article 50(4), for which you would seek clarification.

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This initiative reflects the EU's commitment to strengthening confidence in the development and use of AI within the EU.

Section 5 [other issues related to the implementation of Article 50 of the AI Act]	o Present aspects related to the AI Act's horizontal requirements in Article 50(5), including their interplay with the requirements of paragraphs 1 to 4 of the same article, for which you would seek clarification.
	o Specify other aspects related to the transparency obligations under Article 50 for which you would seek clarification regarding their interplay with other obligations in the AI Act.
	o Indicate other aspects related to the transparency obligations under Article 50 for which you would seek clarification regarding their interplay with obligations in other Union or national legislation.
	o Share recommendations or good practices as input for the Code of Practice to operationalise the implementation of transparency obligations relating to interactive and generative AI systems.

Preparing the European ecosystem for transparent and responsible AI

The public consultation is a pivotal moment in the practical implementation of Article 50 of the AI Act.

This initiative by the European Commission will develop interpretative guidelines to provide clarity on Article 50 of the AI Act and assist in the adoption of a Code of Practice defining technical solutions for its practical application. The Code of Practice will serve as a compliance benchmark, guiding stakeholders in meeting the transparency obligations set out in the AI Act. This initiative reflects the EU's commitment to strengthening confidence in the development and use of AI within the EU.

Active stakeholders participation in the consultation is strongly recommended, as it facilitates effective preparation for compliance with the obligations that will come into force on 2 August 2026. It also allows stakeholders to influence the drafting of the future Code of Practice directly.

Implementing transparency obligations requires robust technical solutions and in-depth reflection on the social, legal and ethical impacts of human-automated system interactions.

The future of AI in Europe will therefore inevitably be shaped by striking the right balance between innovation and responsibility, thereby reinforcing public confidence in the ethical development and use of AI. ■