



The EU Artificial Intelligence Act and Its Implications for AI in Education

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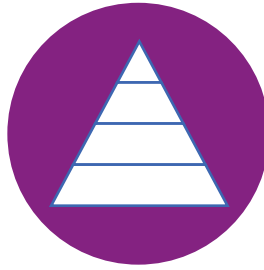
The AI Act: single EU rules for trustworthy AI



Product safety approach: protection of health, safety and fundamental rights



Horizontal in scope covering all sectors with an integrated governance system



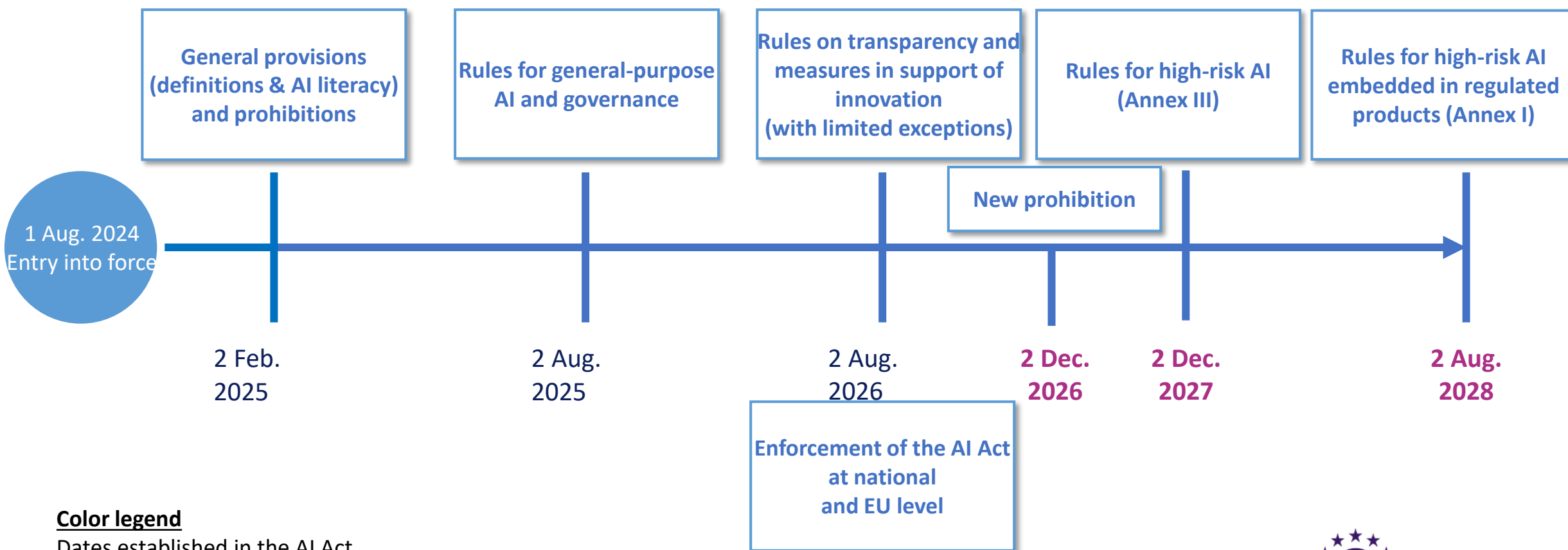
Proportionality with a **risk-based approach**



Trust along the value chain and the whole AI lifecycle



Foster responsible innovation



Color legend

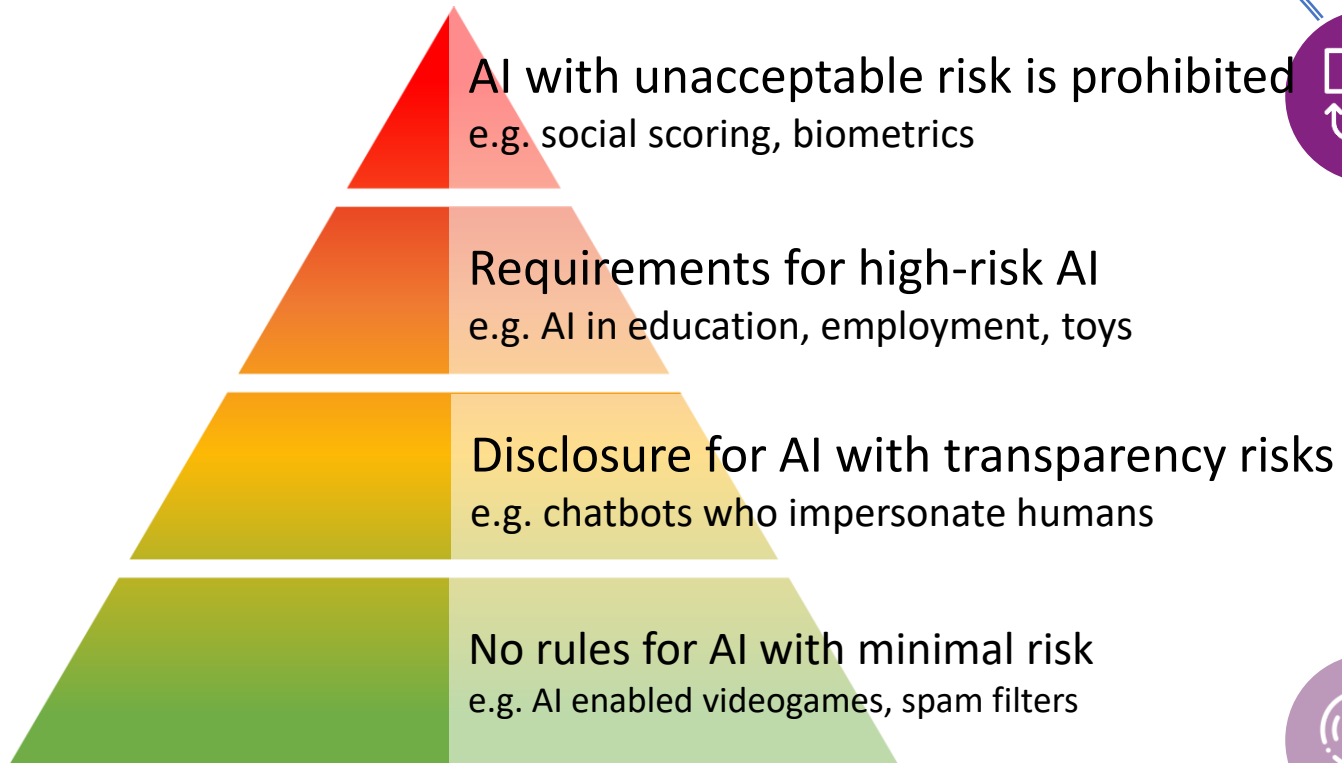
Dates established in the AI Act

Dates established in the AI Omnibus

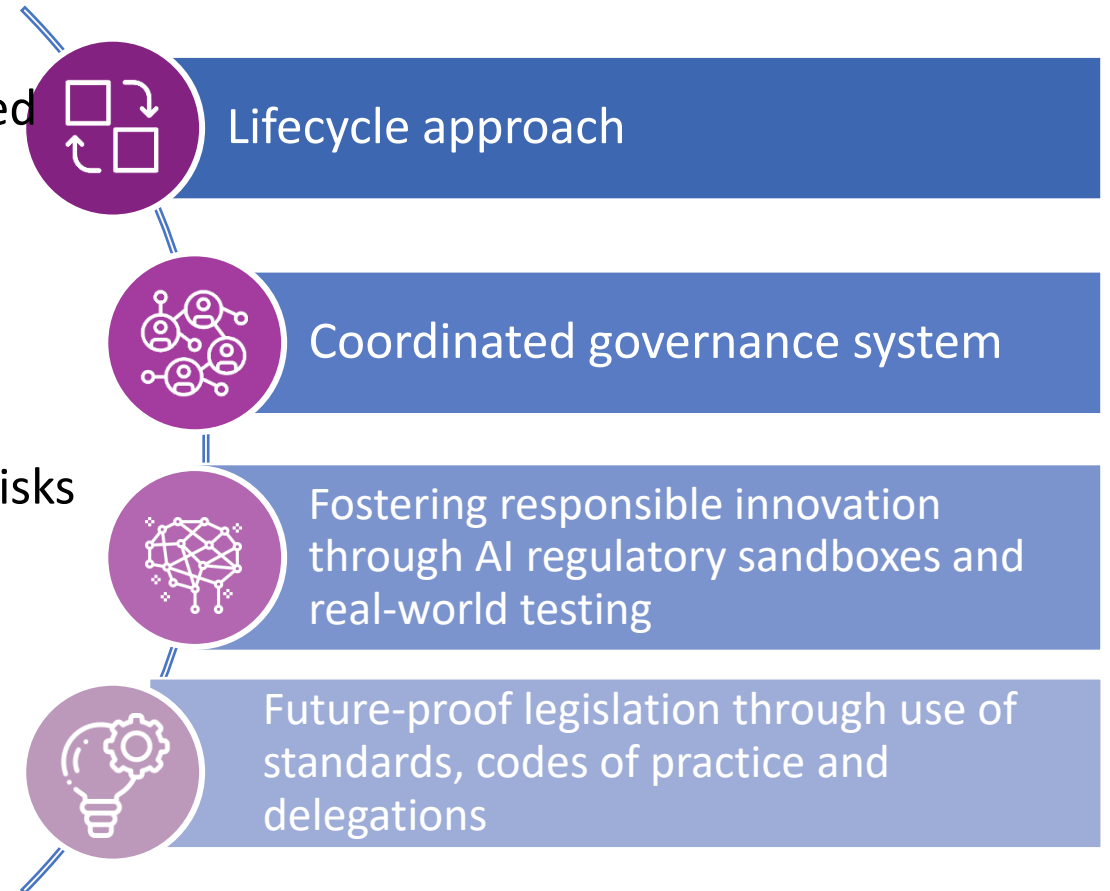


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AI Act – risk-based rules across the AI lifecycle



Transparency and risk management for powerful AI models that can be components of AI systems



AI systems presenting and unacceptable risk



Prohibited since 2 February 2025!

CHAPTER II

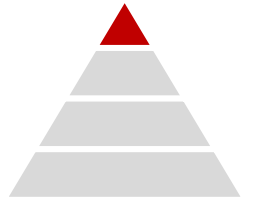
Article 5

Prohibited AI practices

- ✗ Significantly harmful subliminal, manipulative and deceptive AI techniques
- ✗ Significantly harmful exploitation of vulnerabilities due to age, disability or a specific social or economic situation
- ✗ Social scoring leading to detrimental or unfavourable treatment
- ✗ Individual crime risk assessments solely based on profiling or assessment of personal characteristics
- ✗ Untargeted scraping of the internet
- ✗ **Emotion inference in the workplace and education institutions**
- ✗ Biometric categorization on sensitive characteristics
- ✗ Real-time remote biometric identification for law enforcement purposes in public spaces

The Commission published **Guidelines on prohibited AI practices** on 4 February 2025.

The Guidelines provide practical use cases and helps entities to better comply with the AI Act.



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Emotion recognition at the workplace and educational institutions

- Article 3(39) AI Act defines ‘emotion recognition systems’ as AI systems ‘for the purpose of identifying and inferring emotions or intentions of natural persons on the basis of their **biometric** data
- For the purpose of Article 5(1)(f) AI Act, the concept of emotions or intentions should be understood in a wide sense
- Recital 18 AI Act provides some detail, listing emotions ‘such as happiness, sadness, anger, surprise, disgust, embarrassment, excitement, shame, contempt, satisfaction and amusement’
- These examples are not exhaustive



New prohibition (Art. 5)

Aim: Address the serious risks that **AI systems generating non-consensual intimate material and child sexual abuse material** pose to human dignity, autonomy, integrity and private life

- **New Article 5 prohibitions:** AI systems are prohibited where they generate or manipulate realistic material depicting
 - an identifiable person's intimate parts or sexually explicit activity without consent, or
 - child sexual abuse material
- The prohibitions apply if generating such content was the (1) **intended purpose** of the system or (2) reasonably foreseeable while lacking adequate and reasonable **safeguards**
- The prohibitions also cover the intentional **use** of such system for the above purposes



High-risk AI systems

[Ongoing: Targeted consultation on the draft guidelines for the classification of high-risk artificial intelligence systems](#)

AI system is embedded into a regulated product or is itself a regulated product

- Relevant product legislation is listed in Annex I of the AI Act.
- Two conditions:
 - AI system is intended as a safety component of a product or is itself a product
 - Product in question is subject to a third party conformity assessment

‘Stand-alone’ AI systems intended to be used in a high-risk use case in 8 areas (Annex III)

- | | |
|---------------------------|--|
| • Biometrics | • Law enforcement |
| • Critical infrastructure | • Migration, asylum and border control |
| • Employment | • Administration of justice and democratic processes |
| • Education | |
| • Essential services | |

Only the concrete use cases listed for each area according to their intended purpose

Point 3 of Annex III AI Act lists 4 high-risk use cases

- (a) AI systems intended to be used to **determine access or admission or to assign** natural persons to educational and vocational training institutions at all levels;
- (b) AI systems intended to be used to **evaluate learning outcomes**, including when those outcomes are used to steer the learning process of natural persons in educational and vocational training institutions at all levels;
- (c) AI systems intended to be used for the purpose of **assessing the appropriate level of education that an individual will receive or will be able to access**, in the context of or within educational and vocational training institutions at all levels;
- (d) AI systems intended to be used for **monitoring and detecting prohibited behaviour of students during tests** in the context of or within educational and vocational training institutions at all levels.



Horizontal issues

- The concept of 'educational and vocational training institution':
 - Broad reference including formal educational and vocational training institutions, but also non-formal institutions, such as adult education and continuing educational institutions
 - 'at all levels' s of formal and non-formal education, including primary, secondary, tertiary and vocational education and training, as well as adult education
 - AI systems in scope are those intended to be used in the context of these institutions and impacting learners
- Exclusion of AI systems impacting educators and training staff
 - These systems may fall within one of the employment use cases listed in point 4 of Annex III
- Interplay with the prohibited practices and the use case in point 1(c) of Annex III

Example of an AI system in scope of point 3(a) of Annex III

- Automated admissions systems intended to be used to review and evaluate student applications, transcripts, and test scores to determine eligibility for admission to an educational institution.

Example of an AI system outside of scope of point 3(a) of Annex III

- Educational programme matching platform using AI to provide secondary school students with recommendations on tertiary education programmes and the most suitable institutions based on their indicated preferences and previously selected topics of interest.
- Chatbot for admission information provided by a university

Example of an AI system in scope of point 3(d) of Annex III

- AI-enabled exam monitoring system intended to be used by an educational institution to monitor and detect prohibited behaviour during in-person exams, such as the use of unauthorized materials or devices, by using movements' recognition and object detection.

Example of an AI system outside of scope of point 3(d) of Annex III

- AI system intended to be used by an educational institution to check homework or assignments for plagiarism against a database of existing content. Such a system is not intended to be used to monitor and detect prohibited behaviour during tests, but to analyse submitted work which has been produced in a non-supervised environment and does not involve live monitoring or real-time behavioural analysis during the testing process.

"Filter" - Article 6(3) AI Act

- In accordance with Article 6(3), AI systems can be excluded if the system
 - Performs a **narrow procedural task**
 - **Improves the result** of a previously completed human activity
 - Detects **decision-making patterns** or deviations and does not replace or influence a human decision or
 - Performs a **preparatory task**
- Only for AI systems that would normally be classified as high-risk pursuant to Article 6(2) and Annex III AI Act
- The conditions listed in Article 6(3) AI Act are exhaustive
- BUT: an AI system referred to in Annex III shall always be classified as high-risk where the system performs profiling



Requirements for high-risk AI systems

Mandatory requirements (Articles 8-15 for high-risk AI system **before** they can be put on and used in the EU market.

Provider is responsible for EU declaration of conformity + CE marking.

(Harmonized) Standards:

- Operational tools to support regulatory compliance with requirements
- Provide 'presumption of conformity'
- Ongoing work in CEN/CENELC JTC-21





What are obligations of the provider and deployer?

Providers



Requirements for the AI system, e.g. data governance, human oversight, accuracy & robustness, operationalised through **harmonised standards**



Conformity assessment before placing the system on the market and **post-market monitoring**



Quality and risk management to minimize the risk for deployers and affected persons



Documentation keeping and **logging**, as well as **registration** in the **EU database**

Deployers



Correct deployment, **human oversight**, training of employees, use of **representative data** and **keeping of logs**



Possible **information obligations** vis-a-vis affected persons



Possible **fundamental rights impact assessment** (applies only to some deployers, incl. public sector)



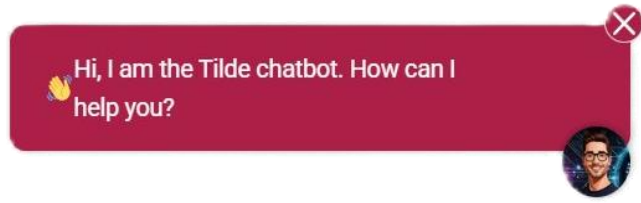
Public sector also has to **register the deployment** of high-risk AI in EU database



Trust through
disclosure

(Directly) interactive AI-systems

Humans have to be informed if they interact with an AI in case this is not obvious



Marking synthetic content

*Duty of invisible marking of AI-generated or manipulated content in a machine-readable way: **for providers***



Labelling synthetic content (audio, video, images, text)

*Duty of perceivable labelling of deep fakes and text publications on matters of public interest: **for deployers***



[Code of practice](#) published last week. [Commission Guidelines on Article 50](#) in progress.



AI Act Service Desk



Possibility for stakeholders to **submit queries about the AI Act to the AI Office** and **receive tailored feedback**

- **Multilingual** support
- **Complementary** to other schemes such as the Regulatory sandboxes, EDIHs, and national helpdesks

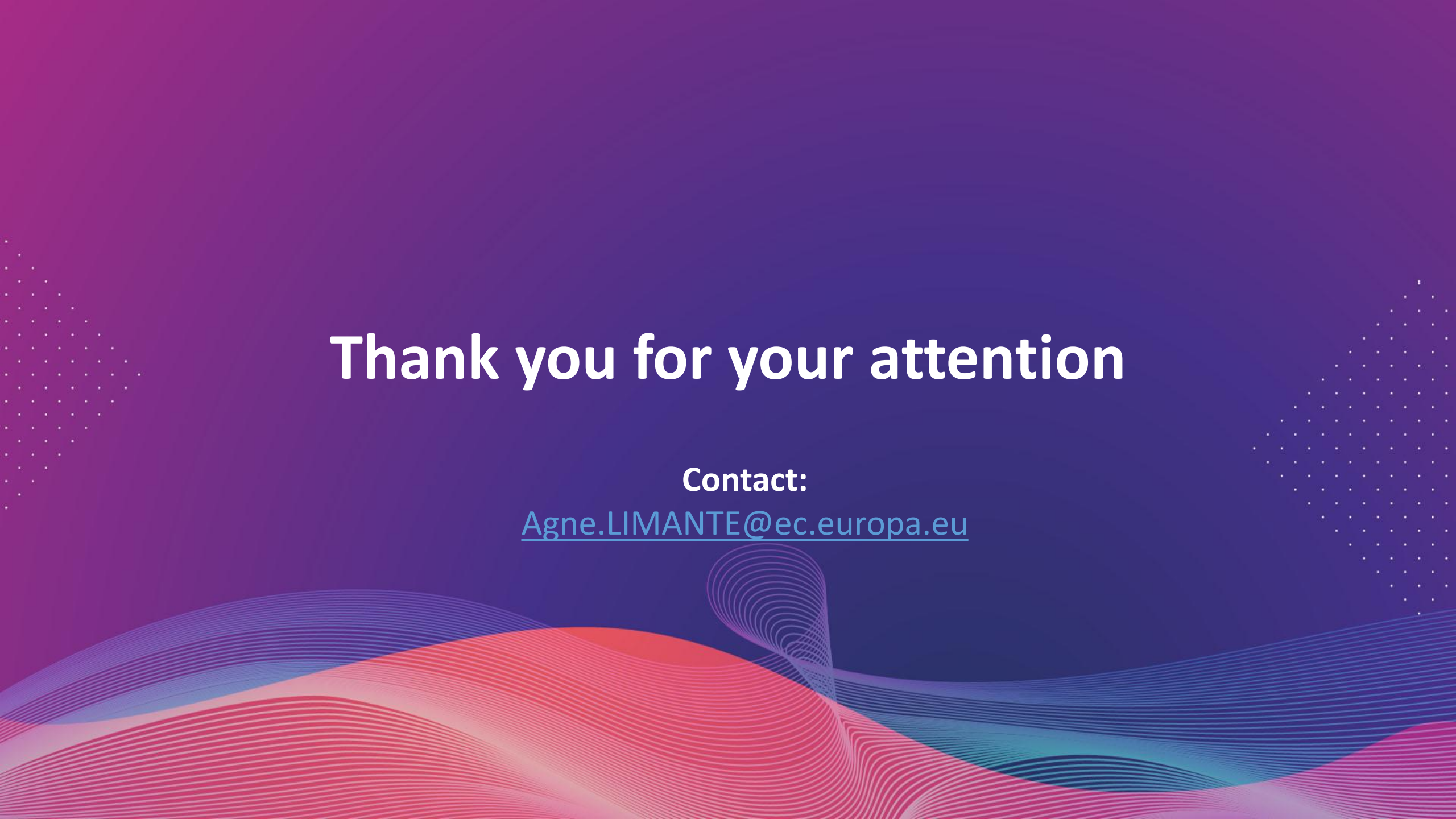


Integrated into a **Single Information Platform**
(launch in EN only – multilingual support to be available soon)

- **AI Act Explorer**
- **Compliance Checker**
- **FAQs**
- Repository of **Commission's and national resources**



<https://ai-act-service-desk.europa.eu/en>



Thank you for your attention

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