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European Union Artificial Intelligence Act

EU Rapid alert system for dangerous AI products

April 2024

Establishes a framework for rapid dissemination of information about dangerous AI products

- Rapid alert systems for dangerous products relate to the EU AI Act in regard to its provisions for post-market monitoring, information sharing, and market surveillance, particularly concerning AI systems presenting a risk. Specifically, the EU AI Act outlines procedures for dealing with AI systems that present risks to health, safety, or fundamental rights, emphasizing a focus on circulating information about dangerous products.

- Ahead of the EU AI Act's scheduled entry into force in Spring 2024, this document looks at data from, '***Safety Gate****: the EU rapid alert system for dangerous non-food products*', to identify how information on measures taken against dangerous AI products may be circulated quickly among the national authorities responsible for product safety in the Single Market countries.

Provisions align with principles of the Safety Gate System

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Article 73 – Reporting of Serious Incidents

- This article mandates providers to report serious incidents related to high-risk AI systems.
- It emphasizes the cooperation between providers and competent authorities, including notified bodies, during investigations of such incidents.
- The market surveillance authority, upon receiving a notification, must inform national public authorities or bodies, facilitating the sharing of information on serious incidents across Member States

Article 74 – Market Surveillance and Control of AI Systems in the Union Market

- It applies Regulation (EU) 2019/1020 to AI systems, emphasizing the inclusion of AI systems within the scope of "products" under market surveillance.
- This article also outlines the annual reporting obligations of market surveillance authorities to the Commission and relevant national competition authorities, which includes information that may be of interest for enforcing Union law on competition rules.

Article 79 – Procedure at National Level for Dealing with AI Systems Presenting a Risk

- This article details the procedure for national market surveillance authorities to evaluate AI systems that present a risk to health, safety, or fundamental rights.
- It requires these authorities to take appropriate corrective actions if an AI system is found non-compliant, including recalling AI system from the market.
- The article also mandates the market surveillance authority to inform the Commission and other Member States about non-compliant AI systems, ensuring a coordinated response across the Single Market

Sample alert that aligns with structure and content of safety notifications*

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Alert Number: A11/00049/24

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Notifying Country: Hungary

Product Category: Electrical Appliances and Equipment

Product: Multiplug Socket with Integrated AI Control

Name: Hálósati Elozstó Kapsxolóval AI

Brand: Steck!

Type / Number of Model: ST AI-2K

Barcode: 5888082212065

Product Description: Plug with multiple way socket outlets, integrated AI control for energy saving, and with switch. Product sold online.

Packaging Description: Nylon bag.

Country of Origin: People's Republic of China

Risk Type: Electric Shock

Risk Description: The AI-controlled switch of the adapter in the "OFF" symbol position does not switch off all active poles due to a software malfunction. Consequently, the user may receive an electric shock.

Legal Provisions (at EU level) and European Standards Against Which the Product Was Tested and Did Not Comply: The product does not comply with the requirements of the Low Voltage Directive nor with the European standard IEC 60417. Additionally, the integrated AI system does not meet the safety requirements set out in the EU AI Act 234.

Measures Ordered by Public Authorities (to: Manufacturer):
- Withdrawal of the product from the market.
- Ban on the marketing of the product and any accompanying measures.

Date of Entry into Force: 24/07/2024

*__Note__: This is a fictional example for illustrative purposes.

Providing alerts on measures taken against dangerous AI products

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Three most *likely* common product categories notified

Healthcare AI Applications

This category includes AI systems used in diagnostic tools, patient monitoring systems, and other healthcare applications.

Given their direct impact on patient health and safety, these applications are likely to be under scrutiny for compliance with the EU AI Act's requirements.

Autonomous Vehicles

AI systems in autonomous vehicles, including cars, drones, and other types of unmanned vehicles, represent a significant category.

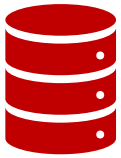
These systems' complexity and their safety implications for public roads and airspace make them a critical focus area.

AI-Powered Consumer Products

This broad category encompasses smart home devices, AI personal assistants, and other consumer electronics integrating AI functionalities.

Given their widespread use and potential risks associated with data privacy, security, and physical harm, these products are likely to be frequently notified .

Three most *likely* common risks notified



Data Privacy and Security

AI systems that process personal data are at risk of breaches that could compromise user privacy and security.

This risk category is likely to be a common concern, necessitating notifications related to non-compliance with data protection standards set forth in the EU AI Act and other relevant regulations

Safety

This includes risks of physical harm to users or bystanders, particularly relevant for autonomous vehicles, healthcare AI applications, and consumer products.

Safety risks could arise from system malfunctions, errors in decision-making algorithms, or failure to adequately respond to real-world conditions

Bias and Discrimination

AI systems can perpetuate or even exacerbate biases present in their training data, leading to discriminatory outcomes.

This risk is particularly pertinent in AI applications related to facial recognition, predictive policing, and decision-making systems in critical areas such as employment.

Looking forward to chatting with you!

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