

AI Act: Prohibited AI Practices



Art. 5



Manipulation of behaviour	Manipulation and exploitation of vulnerable groups	Social scoring	Biometric real-time remote identification
<p>Placing on the market, putting into service or use of an AI system that deploys subliminal techniques beyond a person's <u>behaviour consciousness with the objective to or the effect of materially distorting a person's behaviour</u> in a manner that causes or is <u>reasonably likely to cause that person or another person physical or psychological harm</u></p>	<p>Placing on the market, putting into service or use of an AI system that exploits any of the vulnerabilities of a specific group of persons due to their age, physical or mental disability, <u>or a specific social or economic situation, with the objective or the effect of in order to materially distorting the behaviour of a person pertaining to that group in a manner that causes or is reasonably likely to cause that person or another person physical or psychological harm</u></p>	<p>Placing on the market, putting into service or use of AI systems by public authorities or on their behalf for the evaluation or classification of the trustworthiness of natural persons over a certain period of time based on their social behaviour or known or predicted personal or personality characteristics, with the social score leading to either or both of the following:</p> <ul style="list-style-type: none"> • detrimental or unfavourable treatment of certain natural persons or whole groups thereof in social contexts which are unrelated to the contexts in which the data was originally generated or collected • detrimental or unfavourable treatment of certain natural persons or whole groups thereof that is unjustified or disproportionate to their social behaviour or its gravity 	<p>The use of 'real-time' remote biometric identification systems in publicly accessible spaces by law enforcement authorities or on their behalf for the purpose of law enforcement, unless and in as far as such use is strictly necessary for one of the following objectives:</p> <ul style="list-style-type: none"> • the targeted search for specific potential victims of crime, including missing children • the prevention of a specific, <u>and substantial and imminent</u> threat to the <u>critical infrastructure, life, health</u> or physical safety of natural persons or <u>the prevention of a terrorist attacks</u> • the detection, localisation, <u>or identification of a natural person for the purposes of conducting a criminal investigation, or prosecution or executing a criminal penalty for offences, of a perpetrator or suspect of a criminal offence referred to in Article 2(2) of Council Framework Decision 2002/584/JHA and punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least three years, or other specific offences punishable in the Member State concerned by a custodial sentence or a detention order for a maximum period of at least five years,</u> as determined by the law of that Member State

Last updated: April 2023

Crossed out = Deletion due to general approach of the Council
Underlined = Addition due to general approach of the Council