

Prohibited AI systems under the EU AI Act: entry into force on 2 February 2025

Artificial intelligence is becoming increasingly important in many industries and offers a wide range of opportunities for innovation and efficiency gains. At the same time, the European Union's AI Act imposes strict requirements on the use of AI systems. In particular, Article 5(1)(a) to (h) of the AI Act explicitly regulates the categories of AI systems that are prohibited because they pose significant risks to the fundamental rights and safety of users.

Prohibited Practice	Description	Examples
	Placing on the market, putting into service or use	
Subliminal Manipulation Techniques	<ul style="list-style-type: none"> Technique of subliminal influence or intentional manipulation or deception Danger of significant harm Not: Legitimate medical/psychological treatment 	<ul style="list-style-type: none"> Influence through brain-computer interfaces Exception: common and lawful business practices
Exploitation of Vulnerabilities	<ul style="list-style-type: none"> Exploitation of vulnerability/need for protection due to age, disability or social/economic situation Objective or effect of significant behavioural change Danger of significant damage 	<ul style="list-style-type: none"> Exploiting social isolation or language barriers Exception: common and lawful business practices
Social Scoring	<ul style="list-style-type: none"> Evaluation of social behaviour or personal characteristics Unjustified unfavourable treatment/discrimination, without connection to the original data processing 	<ul style="list-style-type: none"> Allocation of educational places according to origin Public services only for those with a certain political affiliation
Emotion Recognition	<ul style="list-style-type: none"> Inference of emotions of natural persons in the workplace or in an educational institution 	<ul style="list-style-type: none"> <i>Affective Computing</i> for the purpose of performance evaluation in the workplace
Biometric Categorisation	<ul style="list-style-type: none"> Inference of race, political opinion, trade union membership, religious or philosophical belief, sex life or sexual orientation 	<ul style="list-style-type: none"> System for identifying political views based on clothing or piercings/tattoos
Predictive Policing and Risk Assessment	<ul style="list-style-type: none"> Risk assessment in relation to a criminal offence by a law enforcement authority Profiling (= within the meaning of the GDPR) is the exclusive basis for risk assessment 	<p>Infringements</p> <p>Infringements of the prohibition of prohibited AI systems under Art. 5 of the EU AI Act will be punished more severely than breaches of duty in connection with 'high-risk AI' (up to EUR 15 million or up to 3% of global annual turnover).</p> <p>Possible fine</p> <p>Up to €35,000,000 or up to 7% of annual global turnover, whichever is higher.</p>
Creating Facial Databases	<ul style="list-style-type: none"> Scraping (indiscriminate collection of facial images from the internet) or indiscriminate collection of surveillance images to create a database of faces 	
Real-time Remote Biometric Identification	<ul style="list-style-type: none"> For law enforcement purposes in publicly accessible areas Exceptions for law enforcement authorities in the case of targeted searches for victims/missing persons, defence against specific danger, tracking down perpetrators 	