



Does my AI-generated content fall under the EU AI Act?

The Regulation does not classify content. It places obligations on a **role** — provider or deployer. This tree leads you to the obligation that actually rests on you.

Status: transparency rules applicable since 2 August 2026 Verified: 14 August 2026 Source of law: OJ L, 12.7.2024

The rule of thumb, in three questions QUICK READ

QUESTION 1 Was this made by AI? Applies to <i>all</i> synthetic audio, image, video and text — even where nobody could mistake it for real. A fantasy illustration counts. The tool's machine-readable mark Provider • Art. 50(2)	QUESTION 2 Could someone mistake this for real? The deepfake test: resemblance, the subject exists or could plausibly exist, and it would falsely appear authentic. Your own exposure sits here. Your visible label Deployer • Art. 50(4)	QUESTION 3 What is it being used for? Is the generator running in recruitment, education, credit or essential services? Then context decides, not content. Deception plays no part. Full high-risk regime Annex III • from 2 Dec 2027
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Careful: “not misleading” does not mean “no problem”. Copyright, image and personality rights, the GDPR and the AI-disclosure rules of LinkedIn, YouTube, TikTok and Meta all still apply — and are often stricter than the law.

The decision tree WORK TOP TO BOTTOM

1 Was an AI system used to generate or substantially alter the content? Definition: Article 3(1). Manual work and conventional editing do not count.	
NO No AI system involved	Outside the AI Act Copyright, image rights, the GDPR and platform rules may still apply.
PARTLY Assistive standard editing only	No marking obligation Autocorrect, noise reduction, an exposure filter. Exception in Art. 50(2) : the input data and its semantics are not substantially altered.
YES Continue to step 2	The Regulation is engaged Which obligation applies, and to whom, is decided in the steps below.

2

Are you using it in a purely personal, non-professional activity?

Exclusion of deployer obligations: Article 2(10).

YES

Private use

No obligations on you as deployer

The tool's provider still owes the marking obligation [Art. 50\(2\)](#) . The moment you publish on behalf of a company or as a freelancer, this exclusion falls away.

NO

Business, professional or public

Continue to step 3

Your obligations as deployer are fully engaged.

3

Does the content deploy manipulative or deceptive techniques, exploit vulnerability, or involve non-consensual intimate imagery or CSAM?

Prohibited practices: Article 5(1)(a) and (b), plus the prohibition added by the AI Omnibus.

YES, OR UNSURE

A deceptive or exploitative element

Stop — potentially a prohibited practice

Do not publish. Have every element of [Art. 5](#) assessed by a lawyer or the competent authority; a prohibition cannot be cured with a label. Fines up to €35 million or 7% of total worldwide annual turnover [Art. 99\(3\)](#) .

NO

Ordinary communication or creative work

Continue to step 4

Determine which transparency obligation is triggered.

4

What kind of content is it, exactly?

Transparency obligations: Article 50. This decides which duty is triggered, and on whom.

TYPE A

A system interacting directly with people

Disclose that it is AI

Chatbot, voice agent, interactive avatar. [Art. 50\(1\)](#) provider — unless obvious to a reasonably well-informed, observant and circumspect person. Output must also be marked [Art. 50\(2\)](#) .

TYPE B

Image, audio or video resembling an existing person or event

Deepfake — disclose

Three cumulative criteria: resemblance; the subject exists or could plausibly exist; it would falsely appear authentic or truthful.

Evidently artistic, creative, satirical or fictional?

Yes → limited disclosure, in a manner that does not hamper the display or enjoyment of the work [Art. 50\(4\)](#) .

No → full, human-perceivable disclosure at the latest at first exposure [Art. 50\(4\)+\(5\)](#) . Fines up to €15 million or 3% [Art. 99\(4\)\(g\)](#) .

TYPE C

Text published to inform the public on matters of public interest

Disclose, unless editorially controlled

Has the text undergone human review or editorial control, with a natural or legal person holding editorial responsibility?

Yes → no disclosure obligation. Record who that person is.

No → disclose [Art. 50\(4\), 2nd subparagraph](#).

TYPE D

Other synthetic content, resembling no one

No disclosure obligation of your own

Fantasy imagery, internal text, marketing visuals. The marking obligation [Art. 50\(2\)](#) sits with the tool's provider. [Art. 4](#) still applies to you, alongside copyright and platform rules.

Always check, on every path

DO NOT SKIP

FIVE THINGS THE TREE DOES NOT DECIDE FOR YOU

- **The system's context.** Is the generator running in an Annex III environment — recruitment, education, credit, essential services? Then the full high-risk regime stacks on top of the transparency duty. Annex III application date: 2 December 2027; Annex I products: 2 August 2028.
- **Machine-readable is not enough.** A deployer may not rely solely on the provider's watermark; a human-perceivable label must accompany it, visible or audible, without the need for any technical tools.
- **AI literacy** (Article 4) applies regardless of risk category, to providers and deployers alike. In force since 2 February 2025.
- **Beyond the AI Act:** the GDPR, copyright, image and personality rights, consumer law, and the AI-disclosure rules of YouTube, TikTok, LinkedIn and Meta — frequently stricter than the Regulation itself.
- **Role switch.** Fine-tune, rebrand or substantially modify the tool and you become a provider yourself (Article 25), with the far heavier provider obligations attaching to you.

Ready-to-use disclosure wording

ADAPT TO YOUR CONTEXT

ART. 50(1) • PROVIDER

Chatbot or voice agent, opening line

*You are chatting with an AI assistant, not a member of staff.
To reach a person, type "agent".*

Place it in the first message, not in the terms and conditions.

ART. 50(4) • DEPLOYER

AI-generated or AI-altered video or audio

This video contains AI-generated imagery and an AI-generated voice. No real recording of the person shown was used.

On screen at the start, and repeated in the platform description. A machine-readable watermark alone is not sufficient.

ART. 50(4), 2ND SUBPARA • DEPLOYER

AI-generated text on a matter of public interest

This text was generated with the assistance of AI and subsequently reviewed by [name / role], who holds editorial responsibility.

Genuine editorial control removes the obligation — but record who carries it.

ART. 50(3) • DEPLOYER

Emotion recognition or biometric categorisation

A system for [emotion recognition / biometric categorisation] is in use here. Purpose: [...]. Legal basis and further information: [link to privacy notice].

Also triggers GDPR duties; assess whether a DPIA is required.

Placement rule (Art. 50(5)): the information must be clear, distinguishable and accessible, provided at the latest at the time of the first interaction or exposure — and perceivable without any technical tools. A label buried in a settings menu or in metadata alone does not satisfy this.

Sources

ACCESSED 14 AUG 2026

SOURCE	USED FOR	STATUS
1 Regulation (EU) 2024/1689, OJ L, 12.7.2024 — Art. 2, 3, 4, 5, 25, 50, 99 eur-lex.europa.eu/eli/reg/2024/1689/oj	All article texts, verified against the original publication	Binding
2 European Commission — FAQ, Transparency obligations under Article 50 (24 Jul 2026) digital-strategy.ec.europa.eu/en/faqs/transparency-obligations-under-article-50-ai-act	The three cumulative deepfake criteria; human-perceivable disclosure	Official, non-binding
3 European Commission — Guidelines on transparency obligations (29 Jul 2026) digital-strategy.ec.europa.eu/en/policies/guidelines-transparency-ai-generated-content	Marking, labelling and the standard-editing exception	Official, non-binding
4 European Commission — Code of Practice on Transparency of AI-generated Content (final, 10 Jun 2026) digital-strategy.ec.europa.eu/en/policies/code-practice-ai-generated-content	Voluntary means of demonstrating compliance; EU icon set	Voluntary
5 European Commission — AI Act implementation timeline & AI Omnibus (3 Aug 2026) digital-strategy.ec.europa.eu/en/policies/regulatory-framework-ai	Application dates and the amended high-risk deadlines	Official, non-binding

This is informational support and not binding legal advice. Have a lawyer or the competent supervisory authority review the analysis where a prohibited or high-risk system may be involved, where there is significant impact on individuals, where sensitive data is processed, or where doubt remains. Commission guidance is official but non-binding; a supervisory authority or court may reach a different conclusion. Before relying on this document, check whether Regulation (EU) 2024/1689 has been amended since the verification date above — the consolidated text and the final AI Omnibus publication should be confirmed on EUR-Lex.



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