

Preface to the English translation

The German version of this handbook was published almost simultaneously with the entry into force of the AI Act, which happened on 1 August 2024. The requirements of the new law regulating the placing on the market and putting into service of AI models and AI systems will apply alongside existing EU legal acts, such as the Digital Services Act (DSA) for the protection of democracy and the GDPR for the protection of personal data. In addition, the provisions of copyright law and a wide range of other European laws and those from Member State apply.

The complexity of the AI Act begins with its focus point, the AI system, which is characterised in particular by opacity and unpredictability, but also by autonomy and, to that extent, a lack of controllability. This last category, which according to the conventional sense of language is attributed solely to humans, is extended by the AI Act by definition, including software that is capable to infer how to generate outputs without human predictability or even controllability. Because the new generation of AI systems make use of human communication in word, writing, sound and image, they can simulate human creativity according to the rules of probability theory. Since the market launch of ChatGPT in November 2022, it has been available in a wide range of forms to people of all ages.

This handbook approaches the classification of this technology and its regulatory framework in three parts. **Part 1** deals with the fundamentals, from the time frame of the AI Act, to definitions and the differentiation of the AI Act from neighbouring legal areas, to the complex technical and economic classification of AI.

Part 2 is dedicated to the regulation of AI and is divided into three chapters. Legal obligations for general-purpose AI models (GPAI models) on the one hand and for high-risk AI systems on the other are categorised on the basis of practical examples and guidelines. The chapter also addresses the duties and responsibilities in relation to AI in general and when using AI along the value chain. It also covers standardisation issues and testing in real-world laboratories. Since the AI Act is supplementary to existing rules and does not conclusively regulate the use of AI, there is still the possibility of national laws on AI, which is explained in the second chapter of this section. The complex relationship between the AI Act and the regulation of artificial intelligence in other legal acts of the Union and the Member States is described in the concluding third chapter. The comments there on data law, copyright, personal rights, and labour and employment law are of particular relevance for public authorities and companies that want to implement AI systems in their workflows.

Part 3 of the book is dedicated to the enforcement of the law. After dealing with the supervision of AI models and AI systems at the European and national level, liability in connection with the use of AI systems is elaborated. Further sections are dedicated to the sanctioning of breaches with the AI Act and the presentation of enforcement activities under the GDPR.

This guide is written primarily by practitioners for practitioners. The book's particular focus is on the comprehensible and practice-oriented presentation of the new law. The list of authors is made up of dedicated representatives from universities, as well as data protection authorities and the perspective of the European legislator.

The editors Rolf Schwartmann and Tobias Keber have their (common) scientific background not only in international law, but also in media and data protection law. Both editors pay particular attention to practice-oriented research. Rolf Schwartmann, as head of the Cologne Research Centre for Media Law at the Cologne University of Applied Sciences (TH Köln), conducts research in the field of media, data and artificial intelligence law and teaches in particular in the master's programme in media law and media economics there. He is the chairman of the Gesellschaft für Datenschutz und Datensicherheit (GDD) e.V. and was member of the Data Ethics Commission of the German Federal Government. Tobias Keber has been the State Commissioner for Data Protection and Freedom of Information for Baden-Württemberg since July 2023. He is the head of a large national data protection authority and is thus also responsible for the supervision of a number of major tech companies with a focus on AI. Prior to this, he has already conducted extensive research on the use of AI. Kai Zenner is the Head of Office of MEP Axel Voss since 2017 and has played a key role in the negotiations for the AI Act, particularly at the technical level. He is also part of expert groups and networks at the level of the OECD, WEF and the United Nations (UN). His contributions to this book reflect his personal views and not those of the European Parliament.

The authors of this book have been chosen with particular consideration of the practical requirements of the new law on AI. It was important to us to put together a group of people from academia and practice, who will contribute their extensive expertise from different areas of law and. The team consists of authors from academia as well as members of the legal profession, judges and public prosecutors, representatives of data protection authorities, relevant associations and companies. In addition to legal contributors, technicians and computer scientists are also involved. Case law and literature as well as other sources were taken into account until August 2024.

The present book is one of the first to be published on the AI Act. That was our ambitious goal. The volume was written in the spring of 2024 after the AI Act had been given its essentially final version in February 2024. The book must and will be measured against the claim not only to present the law of AI in a practice-oriented way, but also to develop and present solutions in an understandable way that makes the European Union a safe and attractive location for AI for the benefit of people.

As the editors, we would like to thank everyone involved, and in particular the publisher C.F. Müller, for smoothly implementing this ambitious project in a short period of time. Special thanks go also to Moritz Köhler from the Cologne Research Centre for Media Law at the Cologne University of Applied Sciences (TH Köln), who was in charge of coordinating the contributions.

The first edition of the guide, published in July 2020, was so quickly out of print that a new edition was needed in August 2020. We have taken into account the literature published since July as part of a minor update and smoothed out minor inaccuracies.

This English version is based on the 2nd edition and was translated from German to English with the help of DeepL. The authors adjusted their texts and were thereby supported by the publisher C.F. Müller and Henry Simwinga. This approach was planned and very much necessary. The program has translated names such as "Wünschelbaum" in "Wisheltree". The term "Verkehrssicherungspflicht" was translated into "road safety obligation". This was changed by the author again to "duty to

safeguard the public in general", while the "Verkehrssicherungspflicht" was added in brackets. We cannot rule out that other – similar odd creations – were overlooked. They will illustrate that the cooperation of machine and human being is still immature but also that the machine is not at fault. The editors are, which is why we are responsible for all remaining flaws.

We are grateful for criticism and notifications with regards to errors, which should be addressed to the Cologne Research Centre for Media Law at the Cologne University of Applied Sciences (TH Köln) (moritz.koehler@th-koeln.de).

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