

Draft directive on liability around artificial intelligence 2/7/23

In 2021 we [wrote](#) about the European Commission's draft regulation on artificial intelligence (AI) whose rules on AI systems include a risk-based approach. This means that any AI systems that are recognised as unacceptable risk systems are not permitted in the EU at all. For high-risk AI systems the draft regulation lays down stringent conditions that must be met before they can be distributed in the EU market. While preparations are being made for applying the AI regulation, in September 2022 the Commission presented a draft directive on non-contractual AI liability rules (the "draft liability directive"), which together with the draft AI regulation and AI product safety rules will create a framework for distributing AI systems in the EU market. This article explores what the draft liability directive requires of companies wishing to distribute AI systems on the market.

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