

Stakeholder consultation on the draft Guidelines on the transparency requirements for certain AI systems under Article 50 AI Act

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Disclaimer: This document of the AI Office is prepared for the purpose of consultation and does not prejudge the final decision that the Commission may take on the final text of the guidelines on transparency requirements under Article 50 AI Act. The responses to this consultation will provide input for the guidelines on the transparency requirements for certain AI systems under Article 50 AI Act.

This consultation is targeted to stakeholders of different categories, including, but not limited to, providers and deployers of interactive and generative AI models and systems, providers and deployers of biometric categorisation and emotion recognition systems, private and public sector organisations using such interactive and generative AI systems, as well as academia and research institutions, civil society organisations, governments, supervisory authorities and the general public.

The Artificial Intelligence Act ('the AI Act'), which entered into force on 1 August 2024, creates a single market and harmonised rules for trustworthy and human-centric Artificial Intelligence (AI) in the EU. It aims to promote innovation and the uptake of AI, while ensuring a high level of protection of health, safety and fundamental rights, including democracy and the rule of law.

Among various obligations, trustworthiness of AI systems is ensured through a set of transparency obligations in Article 50 AI Act. These transparency obligations are applicable as of 2 August 2026.

They aim to enable natural persons to recognise interaction with and content generated or manipulated by AI systems, thus reducing the risks of impersonation, deception or anthropomorphisation and fostering trust and integrity in the information ecosystem.

Pursuant to Article 96(1)(d) AI Act, the Commission shall issue guidelines on the practical implementation of transparency obligations laid down in Article 50 AI Act.

The purpose of the present targeted stakeholder consultation is to collect input from a wide range of stakeholders on the draft Commission guidelines on the application of the transparency obligations in Article 50 AI Act.

The drafting of these Guidelines was informed by input from a variety of stakeholders collected during a broad consultation organised by the Commission and input from the Member States in the AI Board. The draft guidelines are now published for additional stakeholder feedback before they are formally adopted by the Commission.

The targeted consultation **is available in English only** and will be **open for 4 weeks starting on 8 May until 3 June 2026**.

All contributions to this consultation may be made publicly available. Therefore, please do not share any personal or confidential information in your contribution. It is your responsibility to avoid personal data and any reference in your contribution itself that would reveal your identity.

The guidelines will be complemented with a Code of Practice that is under development to support the practical and effective implementation of the requirements in Article 50(2) and (4) on marking and labelling of AI generated content.

This consultation accompanies the draft Guidelines on the transparency obligations under Article 50, which aim to support a consistent interpretation and effective implementation of the transparency requirements applicable to certain AI systems and AI-generated or manipulated content across the Union.

This consultation seeks to collect targeted feedback on the draft Guidelines prepared by the Commission based on broad stakeholder input. In particular, the Commission seeks feedback on whether the explanations, concepts and examples provided sufficiently support stakeholders in understanding and complying with the transparency obligations laid down in Article 50 AI Act, including when and how such obligations apply in practice. The draft Guidelines address the transparency obligations under Article 50 AI Act and are structured as follows:

- **Section I** presents an introduction outlining the background, objectives and legal context of the present Guidelines. It recalls the rationale of transparency within the AI Act, including its links to fundamental rights, user awareness and trust, and situates Article 50 within the broader risk-based framework of the AI Act.

- **Section II** provides an overview of the transparency obligations and related horizontal topics. It includes an explanation of the different obligations under Article 50, the actors responsible for their compliance, exclusions from scope (such as purely personal non-professional activities, research and development), and the interplay with other provisions of the AI Act, including prohibited practices and high-risk AI systems and general-purpose AI models and systems.
- **Section III** addresses transparency obligations for AI systems intended to interact directly with natural persons under Article 50(1) AI Act. It sets out the main concepts and scope of application, details the information obligation, and explains the relevant exceptions (including cases of obvious interaction and certain law enforcement uses), as well as the interplay with other Union legal acts.
- **Section IV** provides guidance on the marking and detection of AI-generated or manipulated content under Article 50(2) AI Act. It clarifies the scope of application, including different modalities of synthetic content, and explains the transparency obligation (marking and detection) and the technical requirements (effectiveness, reliability, robustness and interoperability). It also addresses relevant exceptions and the interaction with other Union legal frameworks.
- **Section V** covers transparency obligations for emotion recognition systems and biometric categorisation systems under Article 50(3) AI Act. It outlines the main concepts, scope and applicable obligations, as well as situations falling outside the scope and the interaction with other Union legal acts.
- **Section VI** addresses the labelling of deep fakes and AI-generated or manipulated text published to inform the public on matters of public interest under Article 50(4) AI Act. It provides clarification on the notions of e.g. deep fakes and matters of public interest, the applicable disclosure obligations (including for evidently creative, artistic, satirical, fictional or analogous works or programmes), and the relevant exceptions. It also explains the relationship with other Union legal acts.
- **Section VII** sets out horizontal requirements applicable to the information provided under Article 50(5) AI Act, including general principles ensuring that transparency information is clear, meaningful and accessible to users.

All participants are invited to provide feedback on the particular sections of the draft Guidelines they are interested in. As not all sections may be relevant for all stakeholders, respondents may reply only to the section (s) they would like. Respondents are encouraged to provide explanations and practical cases as part of their responses to support the practical usefulness of the Guidelines. We kindly ask the respondents to specify the exact section and paragraph of the draft Guidelines to which their comments refer.

The feedback collected through this consultation will support the Commission in refining and finalising the Guidelines, with the objective of ensuring that they are clear, comprehensive and practically useful for all stakeholders involved in the development, deployment and supervision of AI systems within the scope of Article 50 of the AI Act.

All contributions to this consultation may be made publicly available.

Therefore, please do not share any personal or confidential information in your contribution (your written feedback). It is your responsibility to avoid personal data and any reference in your written feedback itself that would reveal your identity.

For information on how the Commission processes your personal data please read our Privacy Statement [7_5_26_Public_Consultation_Transparency50_PrivacyStatement.pdf](#)

Introductory section. Information about the respondent

* First name

Giulia

* Surname

Cereseto

* Email address

gcereseto@actonline.org

* Do you agree that we may publish your identity together with your contribution in the instance that all contributions are made publicly available?

If you act in your personal capacity: All contributions to this consultation may be made publicly available. You can choose whether you would like your details to be made public or to remain anonymous. The respondent category that you selected for this consultation, your answer regarding residence, and your contribution may be published as received. Should you choose to remain anonymous, your name will not be published. Please do not include any personal data in the contribution itself.

If you represent one or more organisations: All contributions to this consultation may be made publicly available. You can choose whether you would like respondent details to be made public or to remain anonymous. Only the following organisation details may be published: The respondent category that you selected for this consultation, the name of the organisation on whose behalf you reply as well as its size, its presence in or outside the EU and your

contribution as received. Should you choose to remain anonymous, your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

- Yes
- No

* Do you agree that we may contact you in the event of follow-up questions or if we want to learn more about your responses?

- Yes
- No

* Do you represent an organisation (e.g., a public organisation, a company, a think tank or a civil society /consumer organisation) or act in your personal capacity (e.g., independent expert)?

- Organisation
- In a personal capacity

* If you are representing an organisation, please specify the name of the organisation:

Association for Competitive Technology - ACT

* Type of organisation

Association

* Is a representation of the organisation located in the EU?

- The organisation's headquarter is located in the EU
- A branch office, or any representation of the organisation is located in the EU
- None of the representations of the organisation is located in the EU

* Select the EU Member State where the organisation's headquarter, or representation is located

BE - Belgium

* Select the size of the organisation

Small (10-49 employees)

* Sector(s) of activity

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Information technology | <input type="checkbox"/> Employment | <input type="checkbox"/> Transport |
| <input type="checkbox"/> Public administration | <input type="checkbox"/> Education and training | <input checked="" type="checkbox"/> Telecommunications |
| <input type="checkbox"/> Law enforcement | <input type="checkbox"/> Consumer services | <input type="checkbox"/> Retail |
| <input type="checkbox"/> Justice sector | <input checked="" type="checkbox"/> Business services | <input type="checkbox"/> E-commerce |
| <input type="checkbox"/> Legal services sector | <input type="checkbox"/> Banking and finances | <input type="checkbox"/> Advertising |
| <input type="checkbox"/> Cultural and creative sector, including media | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Consumer protection |
| <input type="checkbox"/> Healthcare | <input type="checkbox"/> Energy | <input type="checkbox"/> Others |

* Describe the activities of your organisation or yourself

1300 character(s) maximum

ACT is a policy trade association for the small business technology developer community. Our members are entrepreneurs, innovators, and independent developers within the global app ecosystem that engage with verticals across every industry. We work with and for our members to promote a policy environment that rewards and inspires innovation while providing resources that help them raise capital, create jobs, and continue to build incredible technology. Today, the ecosystem ACT represents—which we call the app economy—is valued at approximately €95.7 billion and is responsible for more than 1.4 million jobs in the European Union (EU).

When providing feedback, please ensure that your responses are concise and clearly reference the relevant section, subsection and/or paragraph number(s) of the draft Guidelines.

This will support the Commission in efficiently analysing stakeholder input and refining the Guidelines to ensure they are clear, comprehensive and practically usable.

* **On which part(s) of the draft Guidelines would like comment?** *Multiple answers are possible. Please note that selecting a particular answer will direct you to a set of questions specifically related to subject specified.*

- Section I - Background and objectives**
- Section II - Overview of transparency obligations and horizontal topics**
- Section III - Article 50(1): Transparency for interactive AI systems**
- Section IV - Article 50(2): Marking and detection of AI-generated or manipulated content**
- Section V - Article 50(3): Emotion recognition and biometric categorisation systems**
- Section VI - Article 50(4): Labelling of deep fakes and certain text publications**
- Section VII - Horizontal requirements (Article 50(5))**

Section I - Background and objectives

Question A. Are there any aspects / paragraphs of this Section of the draft Guidelines that you believe require further clarification?

- Yes
- No
- NA

If so, how would you suggest they be improved to ensure effective implementation and compliance?

2000 character(s) maximum

The guidelines provide a robust framework for transparency requirements. However, it would be beneficial to have additional clarification on how the transparency obligations should apply in a proportionate manner across different business models and company sizes, particularly for the case of SMEs and startups, which have limited resources to comply compared to their larger competitors. Further clarification would also be beneficial regarding the relationship between the AI Act transparency obligations and existing obligations under the GDPR and other sector-specific legislations, in order to avoid duplicative compliance requirements.

The Guidelines would benefit from:

- An express good-faith reliance principle, confirming that reliance by SMEs on the Commission's interpretation will be treated as a strong indicator of due diligence by market surveillance authorities;
- An analysis coordinating the Guidelines with the parallel Code of Practice on marking and labelling and the GPAI (General-Purpose AI) Code of Practice, indicating which instrument prevails in the event of inconsistency; and
- Examples clarifying how the Digital Omnibus transitional period for Article 50(2) applies in practice to SaaS (Software as a Service) products subject to continuous deployment, AI features added to existing products via SDK updates, and white-labelled generative systems, including clarifying that routine model updates do not trigger a fresh placement-on-market.

Section II - Overview of transparency obligations and horizontal topics

Question A. Are there any aspects / sections / paragraphs that require further clarification or refinement?

- Yes
 No

Please indicate specific parts.

2000 character(s) maximum

This section would benefit from further clarification regarding the allocation of responsibilities across the AI value chain, particularly between upstream model providers, downstream deployers, integrators, and SMEs relying on third-party AI systems as well as the level of automation of the AI system. These guidelines should recognise the realities of small businesses that integrate general-purpose AI (GPAI) into existing products or services and grant more legal clarity and certainty in order to support more effective implementation and reduce unnecessary compliance burdens.

The Guidelines should also clarify expressly that fine-tuning, configuring, or system-prompting a third-party GPAI model does not convert a downstream SME into a provider of a new generative AI system under Article 50 (2). Without this assurance, SMEs potentially would be forced to take on marking obligations that (as the Guidelines acknowledge) no single technique currently satisfies and that an SME cannot later patch onto a model it does not control.

ACT also proposes that discussion of the “objective notion” of technical feasibility be revised to take account of the express text of Article 50(2), which requires consideration of “costs of implementation” and “the generally acknowledged state of the art,” to make clear that providers are expected to deploy the state-of-the-art technique commercially available to it on reasonable terms (open source and commercially available marking libraries meeting the Article 50(2) criteria should be identified as sufficient compliance pathways).

Section III - Article 50(1): Transparency for interactive AI systems

Question A. Are there aspects requiring further clarification for effective implementation and compliance?

- Yes
- No

Please indicate specific parts.

2000 character(s) maximum

Generally, disclosure design should clearly permit any reasonable combination of techniques informing the user at the relevant time to satisfy Article 50(1). Further clarification is needed regarding the application of the “obvious” exception of paragraph 26, regarding the case in which a natural person, interacting with an AI system, is reasonably well-informed, observant, and circumspect, and regarding how frequently disclosures must be repeated in persistent or long-running interactions. ACT also proposes that examples in Section III be revisited to reflect that the existence of conversational AI in customer service contexts is widely understood by the European consumers and that a “chat with us” or “help bot” (or similar) interface paired with an initial AI disclosure is more than sufficient. Moreover, it should also be clarified the extent to which downstream deployers can rely on disclosures implemented by upstream providers.

The Guidelines should also provide additional proportionality considerations for SMEs and startups to avoid overly burdensome or repetitive disclosure obligations that could negatively affect user experience without improving transparency outcomes.

The Guidelines should be revised to make clear that disclosure design obligations for agentic AI should only come into play where the agent interacts with a natural person (and should not be triggered by interactions with APIs or other software).

Question B. Are there additional practical examples or use-cases that should be clarified?

- Yes
- No

Please specify:

2000 character(s) maximum

Section IV - Article 50(2): Marking and detection of AI-generated or manipulated content

Question A. Are there aspects requiring further clarification or refinement to ensure effective implementation of marking and detection obligations?

- Yes
- No

Please specify:

2000 character(s) maximum

Clarification is needed to understand the meaning of 'effective', 'robust', 'reliable', and 'interoperable' technical solutions in practice and how providers can demonstrate compliance with these requirements where no commonly accepted technical standard yet exists. Additional guidance would also be useful on how providers can demonstrate compliance, and understand how proportionality considerations for SMEs and startups relying on third-party models or open- source systems work. ACT notes that provider compliance should be assessed at placing on the market and at substantial modification, not output-by-output. Further, clarification would be beneficial to understand how obligations apply on downstream deployers which do not control the AI system. ACT requests that the four quality criteria be revised to reflect that no consensus solution presently exists for text marking, and to make clear that providers will not be penalised when users transcribe, copy, paraphrase, or retype output.

The Guidelines should expressly endorse C2PA Content Credentials, ISO/IEC JTC 1/SC 42 provenance work, and W3C-aligned approaches as compliant pathways. The AI Office should publish a non-exhaustive list of reference implementations for this purpose.

Question B. Are there additional examples, use-cases or technical approaches that should be included?

- Yes
- No

Please specify:

2000 character(s) maximum

Question C. What technical approaches or solutions should be considered for the implementation of the marking and detection obligations under Article 50(2) AI Act, in particular in relation to AI agents and virtual or immersive environments (e.g. virtual reality)? Please provide concrete examples, methodologies or tools where possible.

1500 character(s) maximum

A flexible and technology-neutral approach should be maintained, recognising that no single technical solution currently provides a complete solution across all business models. Providers should be able to rely on combinations of technical measures appropriate to the modality and risk profile of the system.

Further specific recommendations:

- For image and video, visible watermarking and C2PA Content Credentials can provide complementary perceptible and machine-readable layers.
- For audio, C2PA-compatible cryptographic provenance and inaudible signal-domain watermarking should be considered state of the art.
- For text, machine-readable metadata in the delivery channel (e.g., provenance fields, response headers) is currently practical; statistical text watermarking remains a research area and should not be treated as mandatory.
- For AI agents, the marking obligation should attach to perceptible outputs the agent generates for natural persons, not to internal tool calls or machine-to-machine API exchanges.
- For XR (Extended Reality) environments, modality-appropriate persistent indicators (recurring AI badge in field of view; audio cue at start and intervals) should be presumptively compliant.

Section VII - Horizontal requirements (Article 50(5))

Question A. Are there aspects requiring further clarification or refinement to ensure effective implementation?

Please indicate specific parts.

2000 character(s) maximum

Further clarification is needed regarding the definition and what constitutes “clear and distinguishable” information across different interfaces and modalities. It would also be valuable to add accessibility expectations for SMEs and startups deploying AI systems in multiple languages and contexts. Clarification is also needed to understand the extent to which providers may rely on standardised disclosure formats or industry practice

Contact

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