AI FACTORY AUSTRIA

AI Act Transparency Obligations

A Practical Guide for AI Start-ups and Developers

A primer for the AI:AT community on Article 50 AI Act

DATE

28 July 2026

AUTHOR

Dr Krisztina Rozgonyi
Senior Scientist
Austrian Institute of Technology; AI:AT

01

What is the relevance of Article 50 AI Act to AI start-ups and the AI:AT community?

Many members of the AI Factory Austria AI:AT community develop, integrate or deploy AI systems that fall within the scope of the transparency obligations laid down in Article 50 of the EU AI Act.[1] These obligations apply to a wide range of AI applications, including chatbots, AI assistants, synthetic media tools, generative AI applications, and systems capable of generating or manipulating text, images, audio or video. Depending on the use case, organisations may be subject to these obligations either as **providers** of AI systems or as **deployers** using AI systems developed by third parties.

The purpose of Article 50[2] is to increase transparency and trust in the use of AI by ensuring that users can recognise when they are interacting with AI or when content has been artificially generated or manipulated. These obligations are intended to reduce risks such as deception, impersonation, fraud and the misuse of AI-generated content, while also helping to uphold personal autonomy, European values and fundamental rights, including freedom of expression, privacy, equality and consumer protection. Understanding these obligations at an early stage can help AI start-ups integrate compliance into product design, avoid costly redesigns later, and build user trust from the outset.

02

Applicability of Article 50 AI Act

Article 50 establishes four transparency obligations, which actually refer to five use cases, that apply to AI systems and their outputs. The obligations cover both AI-generated and AI-manipulated content, including outputs that combine human-created and AI-generated elements. The table below provides an overview, indicating the AI systems or outputs concerned, the actors responsible for compliance and the main exceptions provided by the AI Act.

1. Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) [2024] OJ L 2024/1689.
2. Recitals 132-136 AI Act.

Overview of the transparency obligations under Article 50 AI Act[3]

PROVISION	AI SYSTEM / OUTPUT	WHAT MUST BE DONE?	MAIN EXCEPTIONS / SPECIAL RULES
Art. 50(1)	AI systems that interact directly with natural persons (e.g. chatbots, AI assistants)	*Providers* must design the AI system so that users are informed they are interacting with an AI system.	No disclosure is required where (1) it is obvious that the interaction is with AI, or (2) the AI system is authorised by law for the detection, prevention, investigation or prosecution of criminal offences, unless it is available to the public to report criminal offences.
Art. 50(2)	AI systems generating or manipulating synthetic text, images, audio or video	*Providers* must ensure that AI-generated or AI-manipulated outputs are technically marked in a machine-readable and detectable manner using effective, interoperable, robust and reliable technical solutions.	Does not apply where (1) the AI system merely performs standard assistive editing or does not substantially alter the input or its meaning, or (2) the AI system is authorised by law for the detection, prevention, investigation or prosecution of criminal offences.
Art. 50(3)	Emotion recognition and biometric categorisation AI systems	*Deployers* must inform individuals that they are subject to the operation of such an AI system.	Exception where the AI system is authorised by law for the detection, prevention or investigation of criminal offences.
Art. 50(4)	AI-generated or AI-manipulated deepfakes (see Box) and/or AI-generated or AI-manipulated text published to inform the public on matters of public interest	*Deployers* must clearly disclose that the content has been artificially generated or manipulated.	No disclosure is required where (1) the AI system is authorised by law for the detection, prevention, investigation or prosecution of criminal offences, or (2) AI-generated or AI-manipulated text has undergone human review or editorial control and is subject to editorial responsibility. Special disclosure rules apply to artistic, creative, fictional, satirical and similar works.

3. The following table was taken from the Guidelines on the implementation of the transparency obligations for certain AI systems under Article 50 of the AI Act, 2.1 (6) and adapted.

What is a deepfake?

Under the AI Act, a **deepfake** is AI-generated or AI-manipulated image, audio or video content that resembles existing persons, objects, places, entities or events and would falsely appear to a person to be authentic or truthful (Article 3(60) AI Act).

The decisive question is **not whether AI was used**, but whether the content could reasonably be perceived as authentic. Not every AI-generated or AI-modified image, audio or video, therefore, qualifies as a deepfake.

Examples likely to qualify as deepfakes

- AI-generated videos or images of politicians or celebrities;
- AI-generated voice clones of identifiable persons;
- AI-manipulated images or videos portraying real people in fabricated situations;
- realistic synthetic avatars presented as real individuals.

Examples generally not considered deepfakes

- clearly fictional or fantastical content that would not reasonably be perceived as authentic (e.g. talking animals or imaginary scenes);
- routine technical editing, such as colour correction, noise reduction, compression or other minor enhancements that do not substantially alter the authenticity or meaning of the content.

Whether content qualifies as a deepfake ultimately depends on the specific context and on whether it would falsely appear authentic or truthful to the intended audience.

03

Code of Practice on Transparency of AI-Generated Content

Based on the transparency obligations in Article 50 AI Act, which are legally binding, the Code of Practice on Transparency of AI-Generated Content provides a voluntary framework for implementing the obligations concerning the marking, detection and disclosure of AI-generated or AI-manipulated content. Providers and deployers that sign and adhere to the relevant part of the Code may rely on it to demonstrate compliance with Articles 50(2), 50(4) and 50(5) AI Act. (Where AI systems, services or content are subject to applicable accessibility legislation, the transparency information required under Article 50 AI Act must also be provided in an accessible manner. These obligations arise from existing accessibility rules, such as the Web Accessibility Directive[4] or the European Accessibility Act[5], and not from Article 50 AI Act itself.) Adherence to the Code does not replace or affect any other obligations under the AI Act.

Obligations for providers

The Code establishes **four core commitments** for providers of AI systems within the scope of Article 50(2) AI Act.

1. First, providers should implement machine-readable marking of AI-generated or AI-manipulated content.
2. Second, they should make appropriate detection mechanisms available to enable verification of whether content has been generated or manipulated by AI.
3. Third, the Code sets quality requirements for these technical measures, requiring them to be effective, reliable, robust and interoperable.
4. Fourth, providers should establish appropriate compliance documentation, cooperate with market surveillance authorities and contribute to the development of technical standards and good practices.

Obligations for deployers

The Code establishes **two core commitments** for deployers of AI systems within the scope of Article 50(4) and (5) AI Act.

1. First, it provides a harmonised framework for *disclosing deepfakes and AI-generated or AI-manipulated text* through the use of EU "AI" labels/icons[6] or an equivalent disclosure mechanism. The Code specifies requirements for the design, placement and visibility of disclosures and makes a publicly available EU icon available for visual labelling. Disclosures should be clear, accessible and visible at the time of first exposure, while deployers are encouraged to preserve them throughout the distribution chain.

4. Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (Text with EEA relevance), OJ L 327, 2.12.2016, pp. 1–15.
5. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance), PE/81/2018/REV/1, OJ L 151, 7.6.2019, pp. 70–115.
6. See at EU Icons for labelling AI-generated content | Shaping Europe's digital future.

2. Second, the Code promotes *organisational measures* to support compliance, including internal compliance procedures and documentation, staff awareness and training, processes for addressing missing or incorrect labels, and cooperation with market surveillance authorities.[7]

The Code also reflects two important qualifications contained in Article 50 AI Act. It provides a more flexible disclosure regime for artistic, creative, satirical, fictional and similar works, and confirms the exemption for AI-generated or AI-manipulated text published to inform the public on matters of public interest where the text has undergone **human review** or editorial control **and is subject to editorial responsibility**.

Compliance with the Code

Compliance with the transparency obligations set out in Article 50 AI Act is mandatory. By contrast, adherence to the **Code of Practice on Transparency of AI-Generated Content** is voluntary. Providers and deployers within the scope of Articles 50(2), 50(4) and 50(5) AI Act may choose to sign[8] the relevant section of the Code and use it as a recognised means of demonstrating compliance with their transparency obligations.

Since the Code has been assessed as adequate under Article 50(7) AI Act[9], the European Commission and national market surveillance authorities will focus their supervisory activities on whether signatories have adhered to the Code and effectively implemented its commitments. Organisations that choose not to adhere to the Code remain fully subject to the transparency obligations under the AI Act and must demonstrate compliance by other appropriate means.

Information on the Code, including the procedure for becoming a signatory, is available on the European Commission's AI Office website (https://digital-strategy.ec.europa.eu/en/policies/code-practice-ai-generated-content).

04

Deadlines

Article 50 becomes applicable on **2 August 2026**. From that date, providers and deployers within its scope are required to comply with the applicable transparency obligations. Importantly, content generated prior to 2 August 2026 does not need to be labelled retroactively.

The marking and detection obligations for AI-generated content under Article 50(2) AI Act are, however, deferred until **2 December 2026** (‘grace period’) for providers of generative AI systems that were placed on the market before 2 August 2026.[10]

7. See for more details: "KI-Transparenz Praktische Umsetzung in Organisationen Jeannette Gorzala" at 2026-07-02_Webinar-Art-50-Jeanette_Gorzala.pdf.
8. See for further details: How to sign the Code of Practice on transparency of AI-generated content | Shaping Europe’s digital future; and Signing the Code of Practice on Transparency of AI-generated Content | Shaping Europe’s digital future
9. "The Commission and AI Board consider this voluntary code as an effective mean to facilitate compliance with the AI Act transparency obligations." See at Commission Opinion on the assessment of the Code of Practice on Transparency of AI-generated content | Shaping Europe’s digital future.
10. Art 111 (4) AI Act as amended by the Digital Omnibus on AI.

Providers and deployers subject to the obligations laid down in Article 50(2) and/or Article 50(4) AI Act may become signatories to the Code of Practice on Transparency of AI-Generated Content. Organisations that choose not to adhere to the Code remain fully subject to the applicable transparency obligations and must be able to demonstrate compliance by other appropriate means, the adequacy of which may be assessed by the competent national market surveillance authorities.

05

Penalties

Providers and deployers that fail to comply with the transparency obligations laid down in Article 50 AI Act may be subject to administrative fines of up to **EUR 15 million** or, if the offender is an undertaking, up to **3% of its total worldwide annual turnover** for the preceding financial year, whichever is higher.

For **small and medium-sized enterprises (SMEs), including start-ups**, the AI Act provides for proportionate fines. In such cases, the maximum fine is the lower of the applicable percentage or fixed amount.

06

Resources

1. Article 50 of the AI Act (transparency obligations for providers and deployers of generative AI systems) - Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) Text with EEA relevance.
2. Guidelines on transparency obligations for providers and deployers of AI systems | Shaping Europe's digital future
    1. commission_guidelines_on_the_definition_of_an_artificial_intelligence_system_established_by_regulation_eu_2024_1689_ai_actenglish_nf2skcqfrtjdfggjavcodopcwz4_112455.PDF
    2. https://ec.europa.eu/newsroom/dae/redirection/document/131215
3. Code of Practice on Transparency of AI-Generated Content | Shaping Europe's digital future
    1. How to sign the Code of Practice on transparency of AI-generated content | Shaping Europe's digital future
    2. EU Icons for labelling AI-generated content | Shaping Europe's digital future
4. AI Act: Transparenzpflichten | KI-Servicestelle | RTR
    1. 2026-07-02_Webinar-Art.-50-RTR.pdf
    2. 2026-07-02_Webinar-Art-50-Jeanette_Gorzala.pdf
5. The EU's AI Transparency Code of Practice, Explained | TechPolicy.Press

---

AI STATEMENT

This publication was prepared with the assistance of generative artificial intelligence (AI) tools to support drafting and language editing. All legal analysis, interpretation, verification of legal sources and the final editorial review were carried out by the author. Every effort has been made to ensure that the information presented reflects the applicable legal framework at the time of publication. This primer is provided for general informational purposes only and does not constitute legal advice.