Better regulation: potential legal overlaps & contradictions with other laws

We have received significant feedback from researchers, legal experts and the AI community that indicates that the AI Act might interfere with other existing/upcoming laws. In particular, the following concrete provisions were singled out. Please note that this list does not mean to contain proven legal overlaps but only potential ones. We would like to call up the Legal Service of the European Parliament as well as our colleagues in the IMCO/LIBE committee to assess this list further in order to prevent that the AI Act creates legal uncertainty by overlapping or contradicting with other laws.

➢ **GDPR**
  − certain AI systems that are allowed under Art 22 GDPR (automated decision making) may be prohibited or deemed as a 'high-risk' under Art 6 of the AI Act.
  − Data minimisation / fair processing principle in Art 5 GDPR vs. complete / high quality data sets standards referred to in Art 10 AI Act.
  − Storage limitation for a certain period in Art 5(4) GDPR and other privacy principles vs. record keeping obligations Art 12(1) and 29(5) AI Act.
  − Is Art 13 AI Act sufficient to fulfil the criteria in Art 13(2f), 14(2g), 15(1h) GDPR?
  − "Data breach" definition in the GDPR vs. corrective actions in Art 21/22 AI Act.
  − Is the 'Data protection impact assessment' (DPIA) in Art 35 GDPR not duplicated by Art 12 and 17 AI Act?
  − Obligations to notify security breach to DPAs in Art 33/34 GDPR vs Art 62 AIA.
  − Does a possible misalignment of the two territorial scopes create a gap where personal data of EU citizens is used in AI systems outside the EU (see Art 2(1c) AI Act.
  − Does the processing for further purposes under Art 54 AI Act serve as a lex specialis with regards to Art 6(4) GDPR?
  − Security measures in Art 15(4) AI Act may not mirror the requirements of Art 32 GDPR.
  − Could one single act lead to cumulative fines for breaching both the GDPR and the AI Act?

➢ **ePrivacy:** does the AI Act overlaps with the ePrivacy provisions in case a service relies on AI technologies or uses personal data in order to train the AI system (e.g. translation system)? Are the record keeping obligations of the AI Act in line with the ePrivacy regulation?

➢ **P2B:** are the ranking systems in Art 5 P2B compatible with the transparency requirements of Art 13 and 52 AI Act?

➢ **DSA:** Are the obligations on deep fakes, content moderation, transparency and other issues (Art 4(1e), 5(1), 5(3), 6, 22, 23) in the DSA and in the AI Act compatible with one another?

➢ **Platform Work Directive**: obligations in Art 6-9 PWD vs. obligations provider in AIA.

➢ **NIS 2**: Obligations to notify security breach in NIS 2 vs Art 62 in the AI Act.

➢ **Machine Regulation**: definitions and criteria are no longer streamlined with AI Act as the political discussion on this file are progressing.

➢ Various **sector specific laws**, in particular:
  − Provisions for connected cars vs. Art 14 AI Act.
  − Different definitions on 'AI' and 'risk' in the MDR/IVDR as well as the different conformity assessments approaches.